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TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

PART 959—IRISH POTATOES GROWN IN THE COUNTIES OF CROOK, DESCHUTES, AND KLAMATH IN OREGON, AND MODOC AND SISKIYOU IN CALIFORNIA

On August 19, 1948, notice of proposed rule making was published in the FEDERAL REGISTER (F. R. Doc. 48-7456; 13 F. R. 4795) regarding rules and regulations to be made effective under Marketing Order No. 59 (7 CFR, Cum. Supp., 959.2 et seq.), regulating the handling of Irish potatoes grown in the Counties of Crook, Deschutes, and Klamath in the State of Oregon, and Modoc and Siskiyou in the State of California. This regulatory program is effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 1946 ed. 601 et seq.). After consideration of all relevant matters presented, including the rules and regulations set forth in the aforesaid notice, which rules and regulations were adopted and submitted for approval by the Administrative Committee (established pursuant to said order), such rules and regulations are hereby approved.

Sec.
959.100 General.
959.101 Definitions.
959.102 Exemption certificates.

AUTHORITY: §§ 959.100 to 959.102 issued under 48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 61 Stat. 202, 707; 7 U. S. C. 601 et seq.

§ 959.100 *General.* Unless otherwise provided in the order or by specific direction of the Administrative Committee, all reports, applications, submittals, requests and communications in connection with the order shall be addressed to the Administrative Committee at its principal office.

§ 959.101 *Definitions.* Order means Order No. 59 (7 F. R. 365) regulating the handling of Irish Potatoes grown in the Counties of Crook, Deschutes and Klamath in the State of Oregon, and Modoc and Siskiyou in the State of California. Terms defined in the order shall, when used herein, have the same meaning as set forth in the order.

§ 959.102 *Exemption certificates*—(a) *Application.* Any producer applying for exemption from grade or size regulation issued under Marketing Order No. 59 shall make application for such exemption on forms to be furnished by the Administrative Committee. Such application shall state:

(1) The location of his farm or ranch;

(2) The number of acres of Irish potatoes on said ranch; and location thereon of such potato field or fields or storage;

(3) The total estimated production of potatoes by such applicant for the current season, stated in terms of varieties, hundredweights, grades, and sizes, not including culls;

(4) An estimate of the percentage of such producer's crop which cannot be shipped because of grade, size and quality regulation then in effect, stated in terms of varieties, hundredweights, grades, and sizes not including culls;

(5) A statement of the amount, if any, of Irish potatoes (not including culls) which have already been sold from said ranch, or by said applicant, during the current marketing season;

(6) Certification that the statement is true and correct;

(7) Signature and address of producer.

(b) *Federal-State inspector's report.* Each request filed by a producer with the Administrative Committee shall be accompanied by a report of a Federal-State inspector, which shall contain the following:

(1) A statement by the inspector that he personally visited the field or fields or storage with respect to which exemption is requested, and that a representative sample of the potato crop in such field or fields or storage was taken by him.

(2) A statement of the percentage of such crop which meets the required grade, size and quality regulation then in effect.

(3) A statement of the defects or damage causing such crop to fail to meet such grade, size and quality requirements.

In determining percentages, the Federal-State inspector shall not include culls. In the event that more than one variety of potatoes are involved in the regulation, the inspector shall determine the above percentages for each variety separately. The cost of the above inspection shall be borne by the applicant for exemption. The Administrative Committee or the manager thereof, or any specifically authorized representa-

(Continued on p. 5677)

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FEDERAL REGISTER

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A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

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CODIFICATION GUIDE—Con.

tives thereof, may make such investigations as is deemed necessary to determine whether the exemption requested should be granted.

(c) *Issuance of certificate.* Whenever the Administrative Committee finds and determines from proof satisfactory to the Committee that the applicant is entitled to an exemption certificate, the Committee shall issue or authorize the issuance of an exemption certificate which shall permit the applicant to ship, or cause to be shipped, that quantity of the regulated grades, sizes and qualities, or combinations thereof, of Irish potatoes as will enable him to ship, or cause to be shipped as large a percentage of his Irish potatoes as the average percentage for all producers as determined by the Committee.

The Manager of the Administrative Committee may issue exemption certificates for and on behalf of the Committee, if the proof submitted by the applicant is satisfactory: *Provided*, That the Administrative Committee shall have first determined the grades, sizes, qualities, or combinations thereof, of potatoes grown in such area which would be available for shipment in the absence of any regulation, and shall have determined the percentage that the quantity of a particular variety or varieties of potatoes grown in such area, permitted to be shipped pursuant to regulation, is of the quantity which would have been shipped in the absence of regulation.

If the Committee or the Manager determines that the applicant is not entitled to an exemption certificate, he shall be so advised in writing and given the reasons therefor.

Each certificate of exemption issued as provided herein shall contain the producer's name and address; the location of his farm or ranch; the location of the field or storage with respect to which the exemption is granted; the particular grade, size and quality regulations from which exempted; the amount of potatoes which may be shipped by virtue of such exemption; and such other information as may be necessary to evidence the rights of the producer to ship Irish potatoes which do not meet the requirements of the particular grade, size and quality regulations. Each certificate of exemption shall be transferable, in whole or in part, with the Irish potatoes in accordance with the amount of the Irish potatoes transferred.

(d) *Reports and records.* For the purpose of enabling the Administrative Committee to perform its functions, pursuant to the provisions of Order No. 59, each handler shall report shipments under exemption certificates to the Committee, in such from and at such times and substantiated in such manner as shall be prescribed by the Committee. All forms, reports, correspondence and documents used, pursuant to these rules and regulations, shall be kept on file by the Administrative Committee and records thereof shall be maintained by the manager of the Committee. A record of all exemption certificates issued (if any) shall be furnished weekly by the manager to the representative of the Secretary of Agriculture.

Done at Washington, D. C., this 27th day of September 1948, to become effective on and after 12:01 a. m., P. s. t., 1st day of October 1948.

[SEAL] A. J. LOVELAND,
Acting Secretary of Agriculture.

[F. R. Doc. 48-8767; Filed, Sept. 30, 1948; 8:52 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 4770]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

WILLIAM R. WARNER AND COMPANY, INC.

§ 3.6 (c) *Advertising falsely or misleadingly—Composition of goods:* § 3.96 (a) *Using misleading name—Goods—Composition.* In connection with the offering for sale, sale or distribution of respondent's medicinal preparation of substantially similar composition or possessing substantially similar properties, whether sold under the same name or under any other name, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means to induce, etc., directly or indirectly, the purchase in commerce, etc., of said preparation, which advertisements represent, directly or by implication, (a) that said preparation contains agar-agar; or (b) that said preparation contains any derivative of agar-agar in sufficient quantity to produce an independent laxative action; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45b) [Cease and desist order, William R. Warner and Company, Inc., Docket 4770, August 25, 1948]

At a regular session of the Federal Trade Commission held at its office in the city of Washington, D. C., on the 25th day of August A. D. 1948.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the respondent's answer thereto, and a stipulation as to the facts entered into by and between Daniel J. Murphy, Assistant Chief Trial Counsel for the Commission, and the respondent, by William L. Hanaway, its counsel, which stipulation provides, among other things, that subject to the approval of the Commission the statement of facts contained therein may be taken as the facts in this proceeding in lieu of testimony in support of the complaint or in opposition thereto, and that the Commission may proceed upon said complaint, respondent's answer, and said statement of facts to make its report, stating its findings as to the facts, including inferences which it may draw from the stipulated facts, and its conclusion based thereon, and enter its order disposing of the proceeding, without the presentation of argument or the filing of briefs; and the Commission, having made its findings as to the facts and its conclusion that the respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, William R. Warner & Company, Inc., a corporation, and its officers, agents, representatives and employees, in connection with the offering for sale, sale or distribution of its medicinal preparation designated "Agarol", or any other preparation of substantially similar composition or possessing substantially similar properties, whether sold under the same name or under any other name, do forthwith cease and desist from:

1. Disseminating or causing to be disseminated by means of the United States mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents, directly or by implication:

(a) That said preparation contains agar-agar.

(b) That said preparation contains any derivative of agar-agar in sufficient quantity to produce an independent laxative action.

2. Disseminating or causing to be disseminated, by any means, any advertisement for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of the respondent's preparation, which advertisement contains any representation prohibited in paragraph 1 hereof.

3. Using the term "agarol" as a brand or trade name for said preparation.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] WM. P. GLENDENING, Jr.,
Acting Secretary.

[F. R. Doc. 48-8757; Filed, Sept. 30, 1948; 8:49 a. m.]

[Docket No. 5469]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

ADVANCE REALTY CORP. (FORMERLY CALIFORNIA SEAFOOD CO., INC.) ET AL.

§ 3.45 (e) *Discriminating in price—Indirect discriminaton—Brokerage payments.* In or in connection with the sale of seafood products and other merchandise in commerce, and on the part of respondent corporations, and their officers, etc., and on the part of eight individuals, in their individual and other capacities as partners, controlling stockholders, etc., as in the order set out, and said respondents' agents, etc., paying or

granting, directly or indirectly, upon or in connection with any transaction involving the sale of seafood products or other merchandise, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof (a) to any buyer in any such transaction; (b) to any agent, representative or other intermediary acting for or in behalf of any party to any such transaction other than the respondents; or (c) to any agent, representative or other intermediary subject to the direct or indirect control of any party to any such transaction other than the respondents; prohibited. (Sec. 2 (c), 49 Stat. 1527; 15 U. S. C., sec. 13 (c)) [Cease and desist order, Advance Realty Corporation (formerly California Seafood Company, Inc.) et al., Docket 5469, August 11, 1948]

At a regular session of the Federal Trade Commission held at its office in the city of Washington, D. C., on the 11th day of August A. D. 1948.

In the matter of Advance Realty Corporation, formerly California Sea Food Co., Inc., a corporation, and its officers and directors; California Sea Food Corporation, a corporation, and its officers and directors; Hunt Foods, Inc., formerly Hunt Brothers Packing Company, a corporation, and its officers and directors; and Norton Simon, Lucille Ellis Simon, Myer Simon, Lucille Evelyn Simon, Frederick R. Weisman, Marcia Simon Weisman, Harold C. Brooks, Evelyn Simon Brooks, Norton Simon, as guardian of the estate of Robert Ellis Simon, minor, Norton Simon, as guardian of the estate of Donald Ellis Simon, minor, Harold C. Brooks, as guardian of the estate of Donald Ellis Simon, minor, Frederick R. Weisman and Marcia Simon Weisman, as guardians of the estate of Richard Lee Weisman, minor, Harold C. Brooks and Evelyn Simon Brooks, as guardians of the estate of Linda Joyce Brooks, minor, individually and as their interests appear, as partners trading and doing business under the fictitious firm name Val Vita Food Products, as former officers, directors and controlling stockholders of Val Vita Food Products, Inc., a corporation now dissolved, as partners formerly trading and doing business under the fictitious firm name California Sea Food Company, and as controlling stockholders of Advance Realty Corporation, formerly California Sea Food Co., Inc., California Sea Food Corporation, and Hunt Foods, Inc., formerly Hunt Brothers Packing Company.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the substitute answers of the respondents, a stipulation of facts executed by counsel for respondents Hunt Foods, Inc., its officers and directors, and counsel supporting the complaint, briefs in support of and in opposition to the allegations of the complaint, and oral argument of counsel; and the Commission having made its findings as to the facts and its conclusion that the respondents have violated the provisions of subsection (c) of section 2 of an act of Congress entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes", approved October 15, 1914 (the Clayton Act), as amended by an act of Congress approved June 19, 1936 (the Robinson-Patman Act) (15 U. S. C. sec. 13):

It is ordered, That the respondents Advance Realty Corporation, a corporation, and its officers and directors, California Sea Food Corporation, a corporation, and its officers and directors, Hunt Foods, Inc., a corporation, and its officers and directors, and Norton Simon, Lucille Ellis Simon, Myer Simon, Lucille Evelyn Simon, Frederick R. Weisman, Marcia Simon Weisman, Harold C. Brooks, Norton Simon, as guardian of the estate of Robert Ellis Simon, a minor, Harold C. Brooks, as guardian of the estate of Donald Ellis Simon, a minor, Frederick R. Weisman and Marcia Simon Weisman, as guardians of the estate of Richard Lee Weisman, a minor, Harold C. Brooks and Eveyln Simon Brooks, as guardians of the estate of Linda Joyce Brooks, a minor, individually and as partners trading and doing business under the fictitious firm name Val Vita Food Products, and as controlling stockholders of Advance Realty Corporation, California Sea Food Corporation, and Hunt Foods, Inc., and said respondents' agents, representatives and employees, directly or through any corporate or other device, in or in connection with the sale of sea food products or other merchandise in commerce, as "commerce" is defined in the aforesaid Clayton Act, as amended, do forthwith cease and desist from:

Paying or granting, directly or indirectly, upon or in connection with any transaction involving the sale of sea food products or other merchandise, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof

(a) To any buyer in any such transaction;

(b) To any agent, representative or other intermediary acting for or in behalf of any party to any such transaction other than the respondents; or

(c) To any agent, representative or other intermediary subject to the direct or indirect control of any party to any such transaction other than the respondents.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 48-8758; Filed, Sept. 30, 1948; 8:49 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 52052]

PART 16—LIQUIDATION OF DUTIES

CONVERSION OF CURRENCY; CHILEAN PESO

Instructions for the conversion of the Chilean peso for the purpose of the assessment of duty on merchandise imported into the United States, § 16.4 (c), Customs Regulation of 1943, amended.

Reference is made to cases in which appraisement has been withheld or liquidation has been suspended pending the determination of the proper rate or rates for the Chilean peso for customs purposes.

The Federal Reserve Bank certified two rates for the Chilean peso, one designated the "Official" rate and the other the "Export" rate, for the period from November 30, 1937, to May 20, 1941, inclusive, after which latter date the certification of rates for the Chilean peso was temporarily suspended. It is understood from available information that Chilean law and regulations required that fixed percentages varying from 1 percent to 20 percent of the foreign exchange derived from the sale of various kinds of goods exported from Chile be sold or surrendered to the Central Bank of Chile at the "Official" rate of exchange while the remaining percentages varying from 80 percent to 99 percent could with the consent of the Exchange Control Commission or its successor, the National Foreign Trade Council, be sold at the "Export" rate. In the case of exports of certain other kinds of goods (which during varying periods probably included nitrates, iodine, copper, iron ore, and molybdenite) only a portion of the exchange which represented not less than the cost of production in Chile of the particular product was required to be returned to Chile. It is understood that these cost-of-production dollars were sold or surrendered at the "Official" rate, with the possible exception of those obtained for exports of nitrates and iodine, as to which commodities it appears that the exporters were sometimes permitted to liquidate a portion of their cost-of-production dollars at a rate more favorable to them than the "Official" rate.

By letter dated December 26, 1945, the Federal Reserve Bank advised the Treasury Department that it had decided to certify three rates for the Chilean peso for dates since May 20, 1941, one designated as "Official" from May 21, 1941, to July 21, 1942, inclusive, and as "Special" thereafter; a second designated as the "Export" rate; and a third designated as "D. P." The first of the three certified rates will be designated in these instructions as "Special" but shall be deemed to mean the "Official" rate for dates prior to July 22, 1942.

The third rate certified by the Federal Reserve Bank corresponds to a third legal rate of exchange established in Chile called "Disponibilidades Propias". From time to time the Chilean Government by decree or regulation permitted various percentages of the foreign exchange (U. S. dollars) derived from the sale of certain commodities for export, after compliance with the requirement that fixed percentages varying from 1 percent to 20 percent of the foreign exchange be sold or surrendered at the "Special" rate, to be sold or surrendered at this "D. P." rate rather than at the "Export" rate. The kinds of commodities for which the remaining percentages of the exchange were [illegible] at

"D. P." rate rather than at the "Export" rate varied at different times and for different periods. At one time, it appears that exporters of "nationally manufactured products" were exempted from turning over any part of the exchange at the "Special" rate and could liquidate their entire proceeds at the "D. P." rate.

It is understood that during the period of dual- and multiple-rate certification the Chilean Government by various decrees and regulations has modified the percentages of exchange required to be sold or surrendered to the Central Bank of Chile in the case of various kinds of products, particularly agricultural products and ores, so that the percentages of exchange as well as the rates applicable (i. e., "Special" and "Export", or "Special" and "D. P."), varied from time to time for these commodities, and after the surrender of the required percentages at the "Special" rate, the balance of the exchange may have been surrendered at the "Export" rate during certain periods of time and at the "D. P." rate during other periods. In at least one case it appears that no part of the exchange had to be surrendered at the "Special" rate and in some few cases it is possible that proportionate use of all three rates was provided for.

It is understood that under the various regulations and decrees which changed the percentages of exchange required to be surrendered in the case of certain exports at the "Special" rate or which changed the applicability of the "Export" or "D. P." rate, as the case might be, exceptional treatment may have been allowed so that disposition could be made of the exchange proceeds of exports on the basis of their former status prior to the decree or regulation although actual shipment did not occur until after the date of the change in status. It is possible that such exceptional treatment may have been allowed because of contract or sale commitments made prior to the change of status. Furthermore, it is not possible to compile complete data on the rates applicable and the changes made as to various commodities because of the fact that such changes have been frequently, if not usually, made without public notification. In many instances products were known to have been removed from one category to another but there is no official evidence of the date the change was effected.

The regulations, decrees, or provisions thereof which allowed exceptional treatment are not sufficiently well-known, nor understood to be of sufficiently uniform application to classes of commodities, to warrant disposition different from the disposition authorized by the general instructions set forth below.

The Treasury Department is informed that changes have been made in the Chilean currency measures since the Federal Reserve Bank, in its above-mentioned letter of December 26, 1945, advised the Department of its decision to certify the three rates therein mentioned. It is understood that the question of what rates under the present system are to be certified and how such rates are applicable is under consideration. The Treasury Department does not have definite information as to the nature of the changes that have been made or when they became effective. The last date for which rates for the peso have been certified by the Bank is June 2, 1947.

In the case of any importation of merchandise exported from Chile between November 30, 1937, and June 2, 1947, both inclusive, the appraiser and collector shall proceed, respectively, with the appraisement and liquidation according to the following procedure, subject to the requirements and conditions outlined below:

1. No rate of exchange shall be used for customs purposes under these instructions except a rate or rates certified by the Federal Reserve Bank of New York for the date of exportation of the merchandise, unless there is a proclaimed value for Chilean currency which varies by less than 5 percent from any certified rate otherwise applicable. If there is a proclaimed value, it shall be used in lieu of any certified rate otherwise applicable from which such proclaimed value varies by less than 5 percent.

2. Where the appraisement is to be made in Chilean currency the appraiser shall designate in his report to the collector the class or classes of currency in which appraisement is made by using the terms applied to the currency of Chile by the Federal Reserve Bank of New York, namely, "Special" pesos, "Export" pesos or "D. P." pesos. If two or more classes of currency are used on a percentage basis, the percentages of each class shall be indicated clearly, as, for example, 10 percent "Special" pesos, 40 percent "Export" pesos, 50 percent "D. P." pesos.

3. For all purposes of appraisement and assessment of duties, the amount of any value established in pesos shall be considered to consist of "Special" pesos for the percentage of the foreign exchange which the appraiser or collector is satisfied, from information in his own files, information obtained and presented to him by the importer, or information obtained by him from other sources, represents the percentage of exchange required to be sold or surrendered to the Central Bank of Chile at the "Special" rate under the decrees or regulations pertinent to the particular class of commodity on the date of exportation, and shall be considered to consist of "Export" pesos, or "D. P." pesos for the remaining percentage where it is established to the satisfaction of the appraiser or collector that one or the other of such rates was permissible for the remaining percentage, or in appropriate percentages of "Export" and "D. P." pesos where an additional percentage of the exchange was required to be sold or surrendered at the "Export" rate and the balance at the "D. P." rate, or shall be considered to consist of pesos at the applicable single rate where it is apparent that the exchange was exempted from being turned over in any part at the "Special" rate; and the rate or rates certified by the Federal Reserve Bank for the class or classes of currency in which such value has been established shall be used; except that if the appraiser or collector has credible information that the percentages of rates which would otherwise be applicable under this paragraph were not used uniformly during any period in connection with the payment for the particular merchandise on which duty is being assessed and for all other merchandise of the same type, appraisement shall be withheld and liquidation shall be suspended as to all merchandise of the type involved exported to the United States during the period involved. Whenever appraisement is withheld or liquidation suspended a detailed report shall be transmitted immediately to the Bureau of Customs.

When information regarding any of the Chilean currency conversion practices necessary to comply with the instructions contained herein is not available at a port other than New York, the appraiser or collector shall request the Customs Information Exchange, 201 Varick Street, New York 14, New York, to furnish such pertinent information as may be available.

It is realized that many cases may arise in which there is not available locally or through the Customs Information Exchange sufficient information from which to determine definitely what combination of rates was applicable under the Chilean laws and regulations to the importation involved. The appraiser or collector shall determine in each such case whether the facts warrant appraisement and liquidation in accordance with the instructions herein or whether action shall be suspended and a report submitted to the Bureau of Customs.

For the period from November 30, 1937, to May 20, 1941, inclusive, the "Official" rate was published in the Treasury Decisions. The "Export" rate for dates during that period will be published in a Customs Information Exchange circular in the near future. Rates have been certified for dates of exportation since May 21, 1941, only upon request made through the Customs Information Exchange, and such rates will be circularized by the Customs Information Exchange.

Where, at the time of making entry or upon the acceptance of an amended entry, information is presented to the collector or is in his possession, which establishes to his satisfaction the percentages of rates for the particular importation in accordance with the pertinent requirements of these instructions, deposit of estimated duties or of supplemental estimated duties calculated in accordance with that information shall be accepted.

Section 16.4 (c), Customs Regulations of 1943 (19 CFR, Cum. Supp., 16.4 (c)), is hereby amended by adding "Chilean pesos" to the list of foreign currencies for which instructions have been issued under section 522 (c) of the Tariff Act of 1930 (31 U. S. C. 372 (c)) and by placing opposite such addition the number and date of this Treasury decision and the Federal Register citation thereof.

(R. S. 251, secs. 505, 624, 46 Stat. 732, 759, sec. 522, 46 Stat. 739; 19 U. S. C. 66, 1505, 1624, 31 U. S. C. 372)

Notice of the proposed issuance of the foregoing instructions was published in

the FEDERAL REGISTER on August 19, 1948 (13 F. R. 4793), pursuant to section 4 of the Administrative Procedure Act (Public Law 404, 79th Congress). The basis of the instructions is section 522 of the Tariff Act of 1930 (31 U. S. C. 372) as construed by the courts, and their purpose is to provide instructions for applying multiple rates of exchange certified by the Federal Reserve Bank of New York for currency conversion for the assessment and collection of customs duties. These instructions shall be effective on the date of publication in the FEDERAL REGISTER, the delayed effective date requirements of section 4 (c) of the Administrative Procedure Act being dispensed with because the instructions relate to action to be taken by customs officers and, although affecting rights of interested persons, do not require any action to be taken by such persons.

[SEAL] FRANK DOW,
Acting Commissioner of Customs.

Approved: September 27, 1948.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 48-8762; Filed, Sept. 30, 1948; 8:50 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

[Order 2478]

PART 4—DELEGATIONS OF AUTHORITY

BUREAU OF LAND MANAGEMENT; DELEGATIONS TO DIRECTOR IN SPECIFIED MATTERS

Subparagraph 14 of paragraph (a) of § 4.275 is amended to read as follows:

§ 4.275 *Functions with respect to various statutes.* (a) * * *

(14) All functions and powers formerly exercised by the Chief Cadastral Engineer and the United States Supervisor of Surveys, including the appointment of Mineral Surveyors and the approval and acceptance of their bonds, pursuant to section 2334 of the Revised Statutes (30 U. S. C. 39) and § 185.50 of this title; and the authorization of all classes of survey and resurvey of the public lands pursuant to section 453 of the Revised Statutes (43 U. S. C. 2), and under the general authorization of the Interior Department Appropriation Acts (e. g., act of July 25, 1947, 61 Stat., 460, 463; act of July 1, 1946, 60 Stat., 348, 352); the act of March 3, 1909 (35 Stat. 845), as amended by Joint Resolution of June 25, 1910 (36 Stat. 884; 43 U. S. C. 772); and the act of September 21, 1918 (40 Stat. 965; 43 U. S. C. 773).

Section 4.252, relating to the functions of the Chief Cadastral Engineer, is revoked.

(R. S. 161, 2478; 5 U. S. C. 22; 43 U. S. C. 1201; sec. 403, Reorg. Plan No. 3 of 1946)

C. GIRARD DAVIDSON,
Acting Secretary of the Interior.

SEPTEMBER 24, 1948.

[F. R. Doc. 48-8752; Filed, Sept. 30, 1948; 8:47 a. m.]

Chapter I—Bureau of Land Management, Department of the Interior

[Order No. 340]

PART 50—ORGANIZATION AND PROCEDURE

FUNCTIONS OF CHIEF AND ACTING CHIEF OF PATENTS SECTION, BRANCH OF LAND DISPOSAL, WITH RESPECT TO FURNISHING COPIES OF RECORDS

SEPTEMBER 24, 1948.

Section 50.355 of Subpart C, added by Order 316 of July 8, 1948, is amended to read as follows:

§ 50.355 *Functions of the Chief and Acting Chief of the Patents Section, Branch of Land Disposal, with respect to the furnishing of copies of records.* The Chief of the Patents Section, Branch of Land Disposal, and in his absence, the Acting Chief of the Section, are authorized to make and furnish copies and exemplifications of patents, plats and other records of the Bureau. (R. S. 459, 43 U. S. C. 6; Order 2430, May 18, 1948, 13 F. R. 2825)

MARION CLAWSON,
Director.

[F. R. Doc. 48-8751; Filed, Sept. 30, 1948; 8:47 a. m.]

Subchapter A—Alaska

[Circ. No. 1697]

PART 75—SALES AND LEASES

SALE OR LEASE OF CERTAIN LANDS IN MATANUSKA VALLEY OF ALASKA

The regulations governing sales and leases of lands in the Matanuska Valley, Alaska, authorized by §§ 75.1 to 75.14 (Circ. No. 1563, August 23, 1943), are amended as follows:

1. In §§ 75.2 and 75.6 the words "Regional Administrator" are substituted for "General Land Office," wherever the latter words occur.

2. In § 75.5 the words "Regional Administrator" are substituted for "Secretary of the Interior."

3. Amend §§ 75.9, 75.10, 75.11, 75.12, and 75.14 to read as follows:

§ 75.9 *Action by the District Land Office.* The Manager will assign a current serial number to each case and make appropriate notations on the records of his office. In the absence of any objection as shown by his records, he will, if the application is for a patent, and is accompanied by the purchase price, issue a cash certificate on Form 4–189, to the person named in the application, as a basis for the issuance of patent. If the application is for a lease and the Regional Administrator has authorized the issuance of a lease, the Manager, upon the receipt of the first annual rental payment, will cause a lease to be issued.

§ 75.10 *Action by the Bureau of Land Management.* Upon receipt by the Bureau of Land Management of an application to purchase, together with the cash certificate, the Director, if all be found regular, will cause a patent to be issued to the applicant.

§ 75.11 *Causes for cancellation.* A lease shall be subject to cancellation by the Manager for failure of the lessee to comply with any of the terms, covenants, and stipulations of the lease, or of any of the regulations contained in §§ 75.1 to 75.14.

§ 75.12 *Payment of annual rental on lease.* The annual rental on a lease must be paid to the Manager, District Land Office, Anchorage, Alaska, on or before each anniversary date of the lease.

§ 75.14 *Appeals.* Any party aggrieved by any action of the Manager may appeal to the Director and the Secretary of the Interior, pursuant to the rules of practice (Part 221 of this chapter).

(54 Stat. 1191; 48 U. S. C. 353 note)

MARION CLAWSON,
Director.

Approved: September 24, 1948.

C. GIRARD DAVIDSON,
Acting Secretary of the Interior.

[F. R. Doc. 48-8750; Filed, Sept. 30, 1948; 8:47 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter III—Office of Defense Transportation

PART 500—CONSERVATION OF RAIL EQUIPMENT

SHIPMENTS OF BERMUDA OR SPANISH TYPE ONIONS

CROSS REFERENCE: For an exception to the provisions of § 500.72, see Part 520 of this chapter, *infra.*

[Gen. Permit ODT 18A, Rev. 28D]

PART 520—CONSERVATION OF RAIL EQUIPMENT; EXCEPTIONS, PERMITS AND SPECIAL DIRECTIONS

SHIPMENTS OF BERMUDA OR SPANISH TYPE ONIONS

Pursuant to Title III of the Second War Powers Act, 1942, as amended, Executive Order 8989, as amended, Executive Order 9729, as amended, Executive Order 9919, and General Order ODT 18A, Revised, as amended, it is hereby ordered, that:

§ 520.528 *Shipments of Bermuda or Spanish type onions.* Notwithstanding the restrictions contained in § 500.72 of General Order ODT 18A, Revised, as amended (11 F. R. 8229, 8829, 10616, 13320, 14172; 12 F. R. 1034, 2386; 13 F. R. 2971) or in Item 400 of Special Direction ODT 18A–2A, as amended (9 F. R. 118, 4247, 13008; 10 F. R. 2523, 3470, 14906; 11 F. R. 1358, 13793, 14114; 12 F. R. 8025; 13 F. R. 1831, 3208, 3763, 4151, 5074), any person may offer for transportation and any rail carrier may ac-

cept for transportation at point of origin, forward from point of origin, or load and forward from point of origin, any carload freight consisting of Bermuda or Spanish type onions when the origin point is in the States of California, Colorado, Idaho, Nevada, Oregon, Utah or Washington, and such carload freight is loaded to a weight not less than 30,000 pounds.

This General Permit ODT 18A, Revised–28D shall become effective September 30, 1948.

(54 Stat. 676, 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, 60 Stat. 345, 61 Stat. 34, 321, Pub. Laws 395, 606, 80th Cong.; 50 U. S. C. App. 633, 645, 1152; E. O. 8989, Dec. 18, 1941, 6 F. R. 6725; E. O. 9389, Oct. 18, 1943, 8 F. R. 14183; E. O. 9729, May 23, 1946, 11 F. R. 5641; E. O. 9919, Jan. 3, 1948, 13 F. R. 59)

Issued at Washington, D. C., this 27th day of September 1948.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 48–8754; Filed, Sept. 30, 1948; 8:47 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Internal Revenue

[26 CFR, Part 194]

WHOLESALE AND RETAIL DEALERS IN LIQUORS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority of sections 3254 and 3791 of the Internal Revenue Code (26 U. S. C., secs. 3254 and 3791).

[SEAL] STEWART BERKSHIRE,
Acting Commissioner of Internal Revenue.

1. Regulations 20 (26 CFR, Part 194), as amended, are hereby amended by changing § 194.12 (b) and §§ 194.26, 194.51 and 194.53.

2. These amendments are designed to reflect changes in procedure and interpretations of the regulations.

§ 194.12 *Lawful sales by retail dealer in liquors.* * * *

(b) *Wholesale sales.* Where a retail dealer in liquors accepts an order for 5 wine gallons or more of distilled spirits or wines, a transaction has been made in a wholesale quantity, notwithstanding the order is filled and delivery is made in parcels of less than 5 wine gallons and on different dates. Except as provided in § 194.62, liability to special tax as a wholesale liquor dealer is incurred where two or more orders for 5 wine gallons or more are accepted under such conditions during a fiscal year, or where circumstances surrounding acceptance of a single order show the person is engaged in business as a wholesale liquor dealer. Similarly, liability to special tax as a wholesale dealer in malt liquors is incurred by a retail dealer in liquors when he accepts orders for 5 wine gallons or more of malt liquors.

(Secs. 3254 and 3791, I. R. C.)

§ 194.26 *Sales at National Military Establishments*—(a) *Exempt from special tax.* Post exchanges, ship's stores, ship's service stores and commissaries operated on premises of a department of the National Military Establishment and conducted as integral parts and under regulations of such department, are not subject to special tax for the sale of liquors, provided sales are not made to the general public but are restricted to members of the military establishment and their guests.

(b) *Subject to special tax.* Special tax must be paid for the sale of liquors at canteens, clubs, messes and similar places whether or not located on premises of the National Military Establishment. (Secs. 3254 and 3791, I. R. C.)

§ 194.51 *Missing stamps*—(a) *Lost or destroyed.* If a special tax stamp has been lost or destroyed, the taxpayer should immediately notify the collector of internal revenue. A "Certificate in Lieu of Lost or Destroyed Special Tax Stamp" will be issued to the taxpayer who submits an affidavit showing to the satisfaction of the collector that the stamp was lost or destroyed. The certificate must be posted in place of the stamp; otherwise, liability for failure to post the stamp will be incurred.

(b) *Seized by State authorities.* Where a stamp designated "Retail Dealer in Liquors" is seized by State authorities because it does not conform to the dealer's local license or permit (wine, or wine and beer), the collector will, upon request, issue a "Certificate in Lieu of Lost or Destroyed Special Tax Stamp" to show that the dealer has paid special tax as a "Retail Dealer in Wine" or "Retail Dealer in Wines and Malt Liquors," as the case may require. However, where a special tax stamp has been seized by State authorities because the dealer has operated in violation of local law, a "Certificate in Lieu of Lost or Destroyed Special Tax Stamp" will not be issued by the collector. (Sec. 3791, I. R. C.)

§ 194.53 *Corrections of errors on special tax stamps discovered on inspection.* When an inspector ascertains that an error appears on the special tax stamp as to the name, ownership, address, etc., he will require the taxpayer to prepare a new Form 11, designated "Amended Return," showing the proper name, address, or other correction. Where a special tax stamp is issued in the name of an individual and the business is owned and conducted by a partnership from the beginning of the period of liability covered by the stamp, the names and addresses of all partners will be shown on the amended Form 11. The body of the amended Form 11 must show the reasons for requesting the correction of the special tax stamp. The inspector should also obtain the special tax stamp from the taxpayer, giving him a receipt therefor on Form 1670 (which receipt shall be kept on the dealer's premises), and forward the amended Form 11, the special tax stamp, the duplicate copy of the Form 1670, and the inspection report to the district supervisor. Upon receipt of the amended Form 11, the special tax stamp, etc., the district supervisor will examine the amended Form 11 to determine whether correction of the stamp is in order and all necessary data appear on the amended Form 11. If the district supervisor is satisfied that the papers are in order, he will write or stamp the word "approved" followed by his signature, in any available space on the face of the amended Form 11 and on the inspection report and forward the amended form with the special tax stamp to the proper collector of internal revenue. Upon receipt of these documents, the collector will make the proper correction on the special tax stamp, amend his Record 10 accordingly, attach the amended Form 11 to the original Form 11, and return the special tax stamp to the taxpayer. (Sec. 3791, I. R. C.)

3. This Treasury decision shall be effective on the 31st day after the date of its publication in the FEDERAL REGISTER.

[F. R. Doc. 48–8764; Filed, Sept. 30, 1948; 8:51 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 726]

FIRE-CURED AND DARK AIR-CURED TOBACCO

NOTICE OF DETERMINATIONS TO BE MADE WITH RESPECT TO MARKETING QUOTAS FOR 1949–50 MARKETING YEAR

Pursuant to the authority contained in the applicable provisions of the Agri-

cultural Adjustment Act of 1938, as amended (7 U. S. C. 1311, 1312, and 1313), the Secretary of Agriculture is preparing to determine whether marketing quotas for fire-cured and dark air-cured tobacco are required to be proclaimed for the 1949–50 marketing year, and, if so, the amounts of the national marketing quotas and the apportionment of the quotas among the several States.

The Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301 (b), 1312 (a)), provides that whenever the Secretary finds that the total supply of tobacco as of the beginning of the marketing year then current exceeds the reserve supply level therefor, the Secretary shall proclaim the amount of such total supply, and, beginning on the first day of the marketing year next following and continuing throughout such year, a national marketing quota shall be in effect for the tobacco marketed during such marketing year. The act provides further that the Secretary shall also determine and specify in such proclamation the amount of the national marketing quota in terms of the total quantity of tobacco which may be marketed, which will make available during such marketing year a supply of tobacco equal to the reserve supply level.

The act (7 U. S. C. 1312 (b)) provides further that within 30 days after a national marketing quota is proclaimed, the Secretary shall conduct a referendum of farmers who were engaged in the production of the crop of tobacco harvested prior to the holding of the referendum to determine whether such farmers are in favor of or opposed to such quota. If more than one-third of the farmers voting in the referendum oppose such quota, the quota shall not be effective thereafter. The Secretary is also required to submit to such farmers the question of whether they favor marketing quotas for a period of three years, beginning with the marketing year next following. If two-thirds of the farmers voting on this question favor marketing quotas for a three-year period, the Secretary is required to proclaim marketing quotas for such period.

The act (7 U. S. C. 1313 (a)) requires the Secretary to apportion the national marketing quota, less the amount to be allotted under subsection (c) of section 313 (small farms and "new" farms), among the several States on the basis of the total production of tobacco in each State during the five calendar years immediately preceding the calendar year in which the quota is proclaimed, with such adjustments as are determined to be necessary to make correction for abnormal conditions of production, for small farms, and for trends in production, giving due consideration to seed bed and other plant diseases during such five-year period.

A public hearing will be held in the Elks Building, Hopkinsville, Kentucky, Thursday, October 14, 1948, at 10:00 a. m., c. s. t., for the purpose of considering whether national marketing quotas should be proclaimed for fire-cured tobacco and for dark air-cured tobacco for the 1949-50 marketing year, and, if so, the amounts of such quotas and the apportionment of the quotas among the several States.

In making the determinations as to whether marketing quotas are required to be proclaimed on fire-cured and dark air-cured tobacco for the 1949–50 marketing year, the amounts of the national marketing quotas, and the apportionment of the quotas among the several States, consideration will be given to any data, views, and recommendations pertaining thereto which are presented at the hearing or which are submitted in writing to the Director, Tobacco Branch, Production and Marketing Administration, U. S. Department of Agriculture, Washington 25, D. C. All written submissions must be postmarked not later than October 16, 1948.

Issued at Washington, D. C., this 28th day of September 1948.

[SEAL] RALPH S. TRIGG,
Administrator.

[F. R. Doc. 48–8765; Filed, Sept. 30, 1948; 8:51 a. m.]

[7 CFR, Ch. IX]

HANDLING OF MILK IN CERTAIN MARKETING AREAS

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS THERETO WITH RESPECT TO PROPOSED AMENDMENT TO TENTATIVELY APPROVED MARKETING AGREEMENTS, MARKETING AGREEMENTS, AND ORDERS, AS AMENDED

Pursuant to the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR, Supps., 900.1 et seq., 12 F. R. 1159, 4904) notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to proposed amendments to the marketing agreements, the marketing agreements, as amended, the orders, and the orders, as amended (hereinafter referred to as the "marketing agreements and orders") regulating the handling of milk in the following marketing areas:

St. Louis, Missouri.
Greater Boston, Massachusetts.
Dubuque, Iowa.
Greater Kansas City.
South Bend-La Porte County, Indiana.
New York Metropolitan.
Toledo, Ohio.
Fort Wayne, Indiana.
Lowell-Lawrence, Massachusetts.
Omaha-Council Bluffs.
Chicago, Illinois.
New Orleans, Louisiana.
Quad Cities.
Louisville, Kentucky.
Fall River, Massachusetts.
Sioux City, Iowa.
Duluth-Superior.
Philadelphia, Pennsylvania.
Cincinnati, Ohio.
Wichita, Kansas.
Suburban Chicago.
Clinton, Iowa.
Dayton-Springfield, Ohio.
Tri-State.
Minneapolis-St. Paul.
Columbus, Ohio.
Cleveland, Ohio.

These proposed amendments to the marketing agreements and orders are to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq), hereinafter referred to as the "act." Interested parties may file exceptions to this recommended decision with the Hearing Clerk, Room 1844, South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the twentieth day after publication of this recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quintuplicate.

Preliminary statement. The hearing on the record of which the proposed amendments to the marketing agreements and orders were formulated, was held at Washington, D. C., on July 30, 1947, pursuant to a notice issued on July 18, 1947, and published in the FEDERAL REGISTER on July 23, 1947 (12 F. R. 4888).

The issues developed at the hearing are with respect to whether each of the aforesaid marketing agreements and marketing orders should provide:

1. A termination of any obligation for the payment of money after the expiration of a specified period of time; and
2. A specified period of time for the retention of books and records required to be made available to the market administrator.

Findings and conclusions. On the basis of the evidence presented at such hearing, it is hereby found and concluded:

1. *Termination of obligation.* Each of the aforesaid marketing agreements and orders should contain provisions terminating any obligation thereunder for the payment of money after the expiration of a specified period of time, with certain exceptions hereinafter indicated.

Marketing agreements and orders contain provisions classifying milk in accordance with the form in which or the purpose for which it is used, and fixing, or providing a method for fixing, minimum prices for each such use classification, which all handlers are required to pay, and the time when payments shall be made, for milk purchased from producers or associations of producers. Such prices are uniform as to all handlers, subject to adjustments for volume, market, and production differentials, grade or quality of the milk purchased, or the locations at which the milk is delivered. Some orders provide for the payment to all producers and associations of producers delivering milk to the same handler of uniform prices for all milk delivered by them. This method of paying producers is commonly called the "individual-handler pool." Other orders provide for the payment to all producers and associations of producers delivering milk to all handlers in the respective marketing area of uniform prices for all milk so delivered, irrespective of uses made of such milk by the individual handler to whom it is delivered. This is the so-called "market-wide pool" method of paying producers.

Under the "individual-handler pool," handlers pay the total use value of their milk to their producers directly. Under

the "market-wide pool," handlers pay their producers the market-wide uniform or blend price. In order to equalize payments among handlers where orders provide for the market-wide pool, a producer settlement fund is established and maintained by the market administrator. Each handler pays into the fund the amount by which the value of his milk at the class prices is greater than the aggregate amount he pays his producers at the blend price, and, conversely, each handler receives from the fund the amount by which the value of his milk at the class prices is less than the aggregate amount he pays his producers at the blend price.

In addition to the foregoing payments, each handler is required to pay the market administrator his pro rata share of the expense of administering the respective orders. Most orders also require each handler to make deductions from his payments to producers and to pay such deductions to the market administrator or to a cooperative association of producers, as the case may be, for marketing services, i. e., marketing information and the verification of weights, sampling, and testing of milk.

Each month handlers are required to report to the market administrators information relating to the quantities of milk received and their sources, the utilization of such receipts, and payments to producers. Handlers are required to make available to market administrators such books and records as will enable the market administrators to verify reports or to ascertain correct information. Whenever an audit by a market administrator discloses errors resulting in money due (a) the market administrator from a handler, or a handler from the market administrator, or (b) any producer or association of producers from a handler, the payment of the amount due is required to be made.

Although all of the marketing agreements and orders provide with particularity when the various payments are to be made, none of them specifies the time within which an error in payment must be discovered or provides for the termination of an obligation because of the expiration of time. When milk marketing programs were first promulgated, this omission was not serious. However, now that milk orders have been in effect over a considerable length of time—six orders have been in effect more than ten years and one-half of all orders were in effect prior to 1941—the failure to provide in the orders for a termination of the obligations thereunder for the payment of money creates uncertainties among producers and handlers which may endanger the stability of the markets and lead to serious inequities.

Without a termination of obligations, handlers may file claims which, because the period involved extends back over many years, are in substantial amounts. Funds for the payment of such claims are obtained only from payments to producers supplying the market with milk during the period when the claims are paid. This results in a reduction in the payments to these producers. Since, over extended periods of time, there is a considerable turnover in the producers supplying a market, a reduction in their payments results in inequities as to those producers who were not in the market during the period out of which the handlers' claims arise. This result, therefore, tends to cause producers to leave the market, and is a potential cause of milk shortage. If, on the other hand, the minimum prices for milk are increased to compensate producers for deductions made to pay old claims, such prices probably would not be in the public interest. Thus, in the absence of a termination of obligations, the stability of milk markets is endangered by the ever present threat of the necessity for making substantial payments arising from the accrual of liabilities over extended periods of time.

The marketing agreements and orders should provide that any obligation to pay a handler any money which such handler claims to be due him under the terms of an order, shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or within two years after payment was made if a refund is claimed, unless such handler, within such period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

There was general agreement at the hearing that the two year period was reasonable. This will allow a handler ample time to decide whether he should contest an obligation imposed upon him pursuant to an order.

Currently, Order No. 27 regulating the handling of milk in the New York metropolitan marketing area, provides specially for the reclassification, under certain conditions, of milk the butterfat from which is classified as storage cream, i. e., as Class II–B. Under these provisions, the classification of Class II–B milk is not finally determined until the cream is removed from storage. The final classification of such milk is effected, upon the removal of the cream from storage, by payments to handlers from the producer-settlement fund of specified amounts of money. Since the cream is in storage an average of several months, and in some cases more than one year, final settlement of the storage cream accounts cannot be made on the same schedule as would apply to other classifications. To provide for this situation, Order No. 27 should contain special provisions to terminate obligations arising out of storage cream payments at the expiration of two years after the end of the calendar month during which such cream was removed from storage.

Handlers also need the protection of provisions terminating their obligations to make payments. Delays have occurred in the notification to handlers that they owe money under the orders. The results of litigation, the disclosure of additional facts, or other circumstances have required a change in the application of a section of an order. When this happens, a market administrator, in the absence of a provision to terminate obligations, has been required to reaudit and rebill all handlers to whom the corrected application applied, even though it meant going back, in the case of some orders, more than ten years. Since handlers cannot be forewarned as to contingent liabilities of this nature, it is extremely difficult and burdensome for them to make adequate provision therefor by setting up reserves or taking other precautionary measures.

As milk marketing programs are in effect over longer and longer periods, the problem of adjustments has become more acute. Obviously, if a market administrator is required to reaudit and rebill a handler for milk handled for periods of from five to ten years, the amounts involved may be large enough to render the handler insolvent or otherwise cause him irreparable damage. Provisions for the termination of obligations will reduce the uncertainty arising from the potential liabilities of handlers and are necessary to promote the orderly marketing of milk.

For the reasons hereinafter more fully discussed, it is concluded that handlers should not be required to retain books and records after the expiration of a specified period of time because the accumulated volume of such records becomes burdensome and their value diminishes with the passage of time. A limitation of time for the retention of records would, however, be of doubtful benefit to handlers if a concomitant termination of handlers' obligations were not likewise provided for. A handler must account for the receipt and utilization of, and payment for milk by the books and records he maintains in the regular operation of his business. Without termination of obligation provisions, a handler could dispose of his records only at considerable risk, even though the order did not expressly require the retention of records beyond a specified period of time. Termination of obligation provisions are, therefore, necessary to effectuate the other provisions of the marketing agreements and orders, including any provisions that may be made prescribing the length of time for which records are to be retained.

It was proposed at the hearing that all audits or reaudits of a handler's books and records and all revisions of obligations and adjustments be completed and mailed to a handler within two years after the date upon which a handler files a report covering the milk involved in such audits, reaudits, and adjusted billings. Inasmuch as it is concluded to terminate an obligation unless the notice thereof is mailed to a handler within a two year period, the failure to mail such notice within the time prescribed would terminate the obligation, and any audits or re-audits in connecton therewith made after the expiration of the prescribed time would have no practical effect. The effect of a limitation on the period for making audits is, therefore, adequately covered by the termination of obligation provisions. Hence, such limitation is not necessary.

The obligation of any handler to pay money should, except as hereinafter indicated, terminate two years after the last day of the calendar month during which the market administrator receives the handler's report of utilization of the milk involved in such obligation, unless

within such two year period the market administrator notifies the handler in writing that such money is due and payable. In general, it appears that a period of two years is a reasonable time within which a market administrator should complete his auditing and inspection work and render any billings for money due under the order.

The notification in writing by the market administrator, before the expiration of the two year period, will prevent the obligation covered by such notification from terminating. The purpose of the termination of obligation provisions is to reduce the uncertainties arising out of potential liabilities for unknown amounts for extended periods in the past. The notice should, therefore, inform the handler of the amount of the obligation, the months or periods during which the milk involved was received or handled, and the person or persons to whom the obligation is payable. If the obligation is payable to the market administrator, the account for which it is to be paid should be indicated. The service of the notice should be complete upon mailing to the last known address of the handler. This method of service conforms to the accepted business practice of mailing statements and billings to handlers under the various marketing orders.

Proposals were made at the hearing for the termination of a handler's obligation unless, within a prescribed period of time, court action is instituted to enforce the payment of the obligation. The procedure provided for in the act contemplates that handlers will comply with the obligations imposed upon them under an order. If they deem such obligations are not in accordance with law, they may file petitions pursuant to section 8c (15) (A) of the act, for corrective action. Moreover, the record contains no evidence to indicate that there has been, or will be, any delay in the institution of enforcement proceedings should a handler fail to comply with the provisions of an order. The proposals in this regard, therefore, should not be adopted.

If a handler refuses or fails to make available to the market administrator any books and records required by the order to be made available, the market administrator should notify such handler in writing of such failure or refusal within two years after the end of the month during which the handler submits his reports with respect to the milk in question. If the market administrator so notifies the handler, the two year period should not begin to run until the first day of the calendar month following the month during which the books and records are made available to the market administrator.

Such a provision is necessary to provide adequate opportunity for the proper and complete audit of books and records of handlers before obligations involved in such audits are terminated. Moreover, if the two year period is extended by virtue of this provision, the responsibility therefor will be that of the handler who failed or refused to make his records available.

A handler's obligation to pay money should not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed. Certain handlers objected to the inclusion of an exception to cover fraud or the willful concealment of a material fact. Aside from the fact that a handler should not be permitted to benefit from his own misconduct, the failure to include such an exception would place a premium on fraud and encourage the practice of concealing records.

The provisions for the termination of obligations should apply to any obligation irrespective of when such obligation arose, except an obligation involved in an administrative proceeding under section 8c (15) of the act or a court action, instituted before July 1, 1949.

The application of these provisions to all past, as well as future, obligations is necessary to effectuate fully the purposes of such provisions. Orderly marketing requires that all persons subject to an order be relieved of the constant threat of liability for "stale" claims arising out of transactions which everyone has reason to believe have been settled. Moreover, without the termination of obligations relating to past transactions, handlers would be required, for their own protection, to retain indefinitely all the records relating to such transactions. Thus, the salutary effects of allowing handlers to dispose of old records would be largely defeated.

The termination of obligation provisions should not, of course, apply to obligations involved in pending administrative proceedings or court actions. Such provisions likewise should not apply to obligations as to which administrative proceedings or court actions are instituted before July 1, 1949. This will allow all interested parties at least six months to determine if there are any outstanding obligations which would otherwise be terminated by the adoption of the proposed amendments and, if there are such obligations, to take appropriate measures to protect their interests in such obligations. All persons who testified with respect to this matter at the hearing stated that the period of six months is a reasonably adequate time for this purpose.

The terms and conditions of the proposed amendments hereinafter set forth are necessary to effectuate the other provisions of the marketing agreements and orders regulating the handling of milk in the aforesaid respective milk marketing areas.

2. *Retention of records.* Because there has been no time limitation within which obligations for the payment of money are terminated, and because the orders have not provided a definite period of time for the retention of records required to be made available under the orders for the verification of reports by market administrators, handlers have generally followed the practice of retaining from the beginning of a regulatory program all of the records which pertained to order transactions. Handlers must keep detailed records relating to their daily purchases of milk from individual producers, the butterfat tests of milk received from individual producers, and the daily utilization and disposal of milk at individual milk plants. Detailed records of this kind soon assume tremendous physical proportions. It has been necessary for handlers to rent warehouse space in which to store these records. This, in itself, has been a considerable financial burden.

Because the records are of such a detailed nature and because they relate to very complicated situations, an accurate interpretation of the records is ordinarily possible only by a person familiar with them. As time passes, the memories of employees are dulled and they cannot interpret old records with a reasonable degree of certainty or accuracy. Moreover, employees leave their positions with handlers and are replaced by other employees. It frequently is impossible for a new employee, not acquainted with records prepared by a predecessor, to make an accurate interpretation of them. The value of records in terms of proving or disproving claims, therefore, diminishes as times goes on.

Consequently, it is necessary that a definite time period be provided in each of the orders within which handlers must maintain their records and after which they will be definitely relieved of the requirement of doing so. More particularly, the orders should be amended to provide that handlers retain records for three years after the end of the delivery period to which such records relate. In terms of the volume of records which would be retained, the retention of records for three years appears to be a reasonable requirement.

A three year period for retaining records is about a year more than is to be provided for under the termination of obligation provisions. This difference in time is necessary, however. In the first place, the two year period relating to the termination of obligations begins at the end of the calender month during which the report of a handler is received by the market administrator. Utilization reports are normally received by the market administrator during the month following that within which the milk reported is received and utilized. Under some circumstances, however, the report might not be received until several months after the receipt and utilization of the milk reported. The time requirement for the retention of records, on the other hand, begins on the last day of the calendar month to which such records relate. Moreover, the notice that money is due and payable might not be rendered until near the end of the two year period and further action might be necessary in connection with a final settlement of the obligation. During the pendency of the settlement, the records upon which the obligation is based should be retained. These circumstances indicate that records should be retained for a somewhat longer period than is provided with respect to the termination of obligations. The three year period for the retention of records is, therefore, reasonable.

Records and accounts are frequently involved in litigation under the orders. Such litigation sometimes requires a longer period of time than normally would be feasible for the routine main-

tenance of records. It is necessary, therefore, to provide, where specific records are necessary in connection with a proceeding under section 8c (15) of the act or a court action, that handlers be required to retain such records for a longer period than is otherwise required. Consequently, handlers should be required to retain such records when they are notified to do so by the market administrator, and to continue to retain them until further notification from the market administrator.

The terms and conditions of the proposed amendments hereinafter set forth are necessary to effectuate the other provisions the marketing agreements and orders regulating the handling of milk in the aforesaid respective milk marketing areas.

3. *General.* (a) The marketing agreements and orders, as hereby proposed to be amended, and all the terms and conditions thereof will tend to effectuate the declared policy of the act.

(b) Each of the marketing agreements and orders, as hereby proposed to be amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activities specified in, marketing agreements upon which hearings have been held.

(c) The prices calculated to give milk produced for sale in each of the aforesaid marketing areas a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8e of the act are not reasonable in view of the price of feed, available supplies of feeds, and other economic conditions which affect market supply and demand for such milk, and the minimum prices specified in each of the marketing agreements and orders, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of a number of associations of producers and handlers who would be subject to the proposed marketing agreements and orders. Every point covered in the briefs was carefully considered, along with the evidence in the record, in making the findings and reaching the conclusions hereinbefore set forth. To the extent that findings and conclusions proposed in the briefs are inconsistent with the findings and conclusions contained herein, the requests to make such findings or to reach such conclusions are denied on the basis of the facts found and stated in connection with the conclusions in this decision.

Proposed amendments to the marketing agreements and orders. The following amendments to the orders and the orders, as amended, are proposed as the detailed and appropriate methods by which the foregoing conclusions may be carried out. The proposed amendments to the marketing agreements and marketing agreements, as amended, are not included in this decision because the regulatory provisions thereof would be the same as those contained in the proposed amendments to the orders and the orders, as amended.

1. Amend each of the orders specified in this paragraph by incorporating therein, in the manner indicated, the following provisions:

Retention of records. All books and records required under this order to be made available to the market administrator shall be retained and made available by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided,* That if, within such three year period, the market administrator notifies a handler in writing that the retention of such books and records is necessary in connection with a proceeding under section 8c (15) of the act or a court action specified in such notice, the handler shall retain such books and records until further written notification from the market administrator.

Part 903, Milk in the St. Louis, Missouri, marketing area as § 903.5 (c).

Part 912, Milk in the Dubuque, Iowa, marketing area as § 912.7 (f).

Part 913, Milk in the Greater Kansas City marketing area as § 913.3 (e).

Part 927, Milk in the New York metropolitan marketing area as § 927.6 (f).

Part 930, Milk in the Toledo, Ohio, marketing area as § 930.3 (d).

Part 932, Milk in the Fort Wayne, Indiana, marketing area as § 932.3 (d).

Part 935, Milk in the Omaha-Council Bluffs marketing area as § 935.3 (c).

Part 941, Milk in the Chicago, Illinois, marketing area as § 941.3 (c).

Part 942, Milk in the New Orleans, Louisiana, marketing area as § 942.3 (e).

Part 944, Milk in the Quad Cities marketing area as § 944.3 (d).

Part 946, Milk in the Louisville, Kentucky, marketing area as § 946.5 (f).

Part 947, Milk in the Fall River, Massachusetts, marketing area as § 947.3 (c).

Part 948, Milk in the Sioux City, Iowa, marketing area as § 948.3 (c).

Part 954, Milk in the Duluth-Superior marketing area as § 954.3 (c).

Part 961, Milk in the Philadelphia, Pennsylvania, marketing area as § 961.5 (g).

Part 965, Milk in the Cincinnati, Ohio, marketing area as § 965.4 (d).

Part 967, Milk in the South Bend-La Porte, Indiana, marketing area as § 967.3 (d).

Part 968, Milk in the Wichita, Kansas, marketing area as § 968.5 (e).

Part 969, Milk in the Suburban Chicago marketing area as §969.3 (c).

Part 970, Milk in the Clinton, Iowa, marketing area as § 970.5 (f).

Part 971, Milk in the Dayton-Springfield, Ohio, marketing area as § 971.3 (d).

Part 972, Milk in the Tri-State marketing area as § 972.3 (d).

Part 973, Milk in the Minneapolis-St. Paul marketing area as § 973.3 (e).

Part 974, Milk in the Columbus, Ohio, marketing area as § 974.3 (d).

Part 975, Milk in the Cleveland, Ohio, marketing area as § 975.4 (d).

2. Amend Part 904, Milk in the Greater Boston, Massachusetts, marketing area, and Part 934, Milk in the Lowell-Lawrence, Massachusetts, marketing area, as follows:

Delete the period (.) at the end of § 904.6 (f) and § 934.7 (e), respectively, and add thereto the following: "and such records shall be retained and made available by the handler for a period of three years to begin at the end of the calendar month to which such records pertain: *Provided,* That if, within such three year period, the market administrator notifies a handler in writing that the retention of such records is necessary in connection with a proceeding under section 8c (15) of the act or a court action specified in such notice, the handler shall retain such records until further written notification from the market administrator."

3. Amend each of the orders specified in this paragraph by adding thereto, in the manner indicated, the following provisions:

Termination of obligation. The provisions of this section shall apply to any obligation under this order for the payment of money irrespective of when such obligation arose, except an obligation involved in an action instituted before July 1, 1949, under section 8c (15) (A) of the act or before a court.

(a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's report of utilization of the milk involved in such obligation, unless within such two year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this order, to make available to the market administrator or his representatives any books or records required by this order to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period shall not begin to run until the first day of the calendar month following the month during which such books and records are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a

fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this order shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or within two years after payment was made by the handler if a refund on such payment is claimed, unless such handler, within said periods of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

Part 903, Milk in the St. Louis, Missouri, marketing area as § 903.16.

Part 904, Milk in the Greater Boston, Massachusetts, marketing area as § 904.14.

Part 912, Milk in the Dubuque, Iowa, marketing area as § 912.16.

Part 913, Milk in the Greater Kansas City marketing area as § 913.13.

Part 930, Milk in the Toledo, Ohio, marketing area as § 930.16.

Part 932, Milk in the Fort Wayne, Indiana, marketing area as § 932.16.

Part 934, Milk in the Lowell-Lawrence, Massachusetts, marketing area as § 934.15.

Part 935, Milk in the Omaha-Council Bluffs marketing area as § 935.12.

Part 941, Milk in the Chicago, Illinois, marketing area as § 941.15.

Part 942, Milk in the New Orleans, Louisiana, marketing area as § 942.14.

Part 944, Milk in the Quad Cities marketing area as § 944.15.

Part 946, Milk in the Louisville, Kentucky, marketing area as § 946.13.

Part 947, Milk in the Fall River, Massachusetts, marketing area as § 947.15.

Part 948, Milk in the Sioux City, Iowa, marketing area, as § 948.11.

Part 954, Milk in the Duluth-Superior marketing area as § 954.15.

Part 961, Milk in the Philadelphia, Pennsylvania, marketing area as § 961.12.

Part 965, Milk in the Cincinnati, Ohio, marketing area as § 965.16.

Part 967, Milk in the South Bend-LaPorte, Indiana, marketing area as § 967.16.

Part 968, Milk in the Wichita, Kansas, marketing area as § 968.14.

Part 969, Milk in the Suburban Chicago marketing area as § 969.14.

Part 970, Milk in the Clinton, Iowa, marketing area as § 970.13.

Part 971, Milk in the Dayton-Springfield, Ohio, marketing area as § 971.15.

Part 972, Milk in the Tri-State marketing area as § 972.15.

Part 973, Milk in the Minneapolis-St. Paul marketing area as § 973.13.

Part 974, Milk in the Columbus, Ohio, marketing area as § 974.14.

Part 975, Milk in the Cleveland, Ohio, marketing area as § 975.17.

4. Amend Part 927. Milk in the New York metropolitan marketing area, as follows:

a. Renumber §§ 927.11, 927.12, and 927.13, respectively, as §§ 927.12, 927.13, and 927.14.

b. Add a new § 927.11 as follows:

§ 927.11 *Termination of obligations.* The provisions of this section shall apply to any obligation under this order for the payment of money irrespective of when such obligation arose, except an obligation involved in an action instituted before July 1, 1949, under section 8c (15 (A) of the act or before a court.

(a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's report of utilization of the milk involved in such obligation, unless within such period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this order, to make available to the market administrator or his representatives any books or records required by this order to be made available, the market administrator may, within the two year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two year period shall not begin to run until the first day of the calendar month following the month during which such books and records are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this order shall terminate two years after the end of the calendar month during which the milk involved in the claim was received (or with respect to storage cream payments made pursuant to § 927.9 (g), within two years after the end of the calendar month during which such cream is removed from storage) if an underpayment is claimed, or within two years after payment was made by the handler if a refund on such payment is claimed, unless such handler, within said periods of time, files pursuant to section 8c (15) (A) of the act, a petition claiming such money.

Filed at Washington, D. C., this 27th day of September 1948.

F. R. BURKE,
Acting Assistant Administrator.

[F. R. Doc. 48-8769; Filed, Sept. 30, 1948; 8:53 a. m.]

[7 CFR, Part 979]

IRISH POTATOES GROWN IN EASTERN SOUTH DAKOTA PRODUCTION AREA

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1001 et seq.), that the Secretary of Agriculture is considering the approval of the rules hereinafter set forth which were recommended by the South Dakota Potato Committee, established under Marketing Agreement No. 103 and Order No. 79 (13 F. R. 1994) regulating the handling of Irish potatoes grown in the Eastern South Dakota production area, issued under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq., 61 Stat. 202, 707).

Consideration will be given to any data, views, or arguments pertaining thereto and mailed in triplicate, to the Director of the Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., so as to be received by him not later than 15 days after the publication of this notice in the FEDERAL REGISTER.

The proposed rules are as follows:

§ 979.101 *Exemption certificates*—(a) *Application.* Any producer applying for exemption from grade or size regulation issued hereunder shall make application for such exemption on forms to be furnished by the Administrative Committee. Such application shall state:

(1) The location of his farm;

(2) The number of Irish potatoes on said farm; and location thereon of such potato field or fields or storage;

(3) The total estimated production of potatoes for the current season, stated in terms of varieties, hundredweights, grades, and sizes, not including potatoes which will not meet grade requirements set forth in the U. S. Standards for Potatoes;

(4) An estimate of the percentage of such producers' crop which cannot be shipped because of grade, size and quality regulation then in effect, stated in terms of varieties, hundredweights, grades and sizes, not including potatoes which will not meet grade requirements set forth in the U. S. Standards for Potatoes;

(5) A statement of the amount, if any, of Irish potatoes (not including potatoes which will not meet grade requirements set forth in the U. S. Standards for Potatoes) which have already been sold from said farm, or by said applicant, during the current marketing season;

(6) Certification that the statement is true and correct;

(7) Signature and address of producer.

(b) *Federal-State Inspector's report.* Each request filed by a producer with the Administrative Committee shall be accompanied by a report of a Federal-State Inspector, which shall contain the following:

(1) A statement by the inspector that he personally visited the field or fields or storage with respect to which exemption is requested, and that a representative sample of the potato crop in such field or fields or storage was taken by him.

(2) A statement of the percentage of such crop which meets the required grade, size and quality regulation then in effect.

(3) A statement of the defects or damage causing such crop to fail to meet such grade, size, and quality requirements.

In determining percentages, the Federal-State Inspector shall not include culls. In the event that more than one variety of potatoes are involved in the regulation, the inspector shall determine the above percentages for each variety separately. The cost of the above inspection shall be borne by the applicant for exemption. The Administrative Committee, or the manager thereof, or any specifically authorized representative thereof, may make such investigations as is deemed necessary to determine whether the exemption requested should be granted.

(c) *Issuance of certificate.* Whenever the Administrative Committee finds and determines from proof satisfactory to the Committee that the applicant is entitled to an exemption certificate, the Committee shall issue or authorize the issuance of an exemption certificate which shall permit the applicant to ship, or cause to be shipped, that quantity of the regulated grades, sizes, and qualities, or combinations thereof, of Irish potatoes as will enable him to ship, or cause to be shipped, as large a percentage of his Irish potatoes as the average percentage for all producers or, if regulation is by variety, the average percentage for all producers of the particular variety involved, as determined by the Committee.

The Administrative Committee, or its duly authorized representative, may issue exemption certificates if the proof submitted by the applicant is satisfactory: *Provided,* That the Administrative Committee, or its duly authorized representative, shall have first determined the grades, sizes, qualities, or combinations thereof, of potatoes grown in such area which would be available for shipment in the absence of any regulation, and shall have determined the percentage that the quantity of a particular variety or varieties of potatoes grown in such area, permitted to be shipped pursuant to regulation, is of the quantity which would have been shipped in the absence of regulation.

If the Committee, or its duly authorized representative, determines that the applicant is not entitled to an exemption certificate he shall be so advised in writing and given the reasons therefor.

Each certificate of exemption issued as provided herein shall contain the producer's name and address; the location of his farm; the location of the field or storage with respect to which the exemption is granted; the particular grade, size, and quality regulations from which exempted; the amount of potatoes which may be shipped by virtue of such exemption; and such other information as may be necessary to evidence the rights of the producer to ship Irish potatoes which do not meet the requirements of the particular grade, size, and quality regulations.

Each certificate of exemption shall be transferable, in whole or in part, with the Irish potatoes in accordance with the amount of the Irish potatoes transferred.

(d) *Reports and records.* For the purpose of enabling the Administrative Committee to perfom its functions, pursuant to the provisions hereof, each handler shall report shipments under exemption certificates to the Committee, in such form and at such times and substantiated in such manner as shall be prescribed by the Committee. All forms, reports, correspondence and documents used, pursuant to these rules and regulations, shall be kept on file by the Administrative Committee and records thereof shall be maintained by the manager of the Committee.

A record of all applications for exemption received, exemption certificates issued, applications denied, and shipments made under exemption shall be kept by the committee and a record of all such transactions, if any, shall be reported weekly by the South Dakota Potato Committee to the Secretary.

(e) *Appeal procedure.* If any producer is dissatisfied with the determination of the South Dakota Potato Committee regarding any application for exemption certificate, or any duly issued exemption certificate, an appeal by said producer may be filed with the committee. Such appeal must be taken promptly after the issuance of the exemption certificate or the denial from which the appeal is taken. Any producer filing an appeal may furnish information with his appeal additional to that submitted with his original application. The committee may request such additional information as it deems necessary for a determination on the appeal. The committee shall act promptly upon any producer's appeal and it shall notify the appellant promptly of its determination. A copy of each appeal and a statement of consideration involved in making the final determination with respect thereto shall be furnished in each instance to the Secretary.

Done at Washington, D. C., this 27th day of September 1948.

[SEAL] A. J. LOVELAND,
Acting Secretary of Agriculture.

[F. R. Doc. 48-8768; Filed, Sept. 30, 1948; 8:52 a. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

PRODUCERS LIVESTOCK COMMISSION CO., INC., AND RANCHERS AND FARMERS LIVESTOCK SALES CO.

NOTICE RELATIVE TO POSTED STOCKYARDS

Notice is hereby given that after inquiry and after consideration of all relevant matter presented pursuant to the notice of proposed posting and rule making published in the FEDERAL REGISTER on September 11, 1948 (13 F. R. 5314), it has been ascertained by me, pursuant to section 302 of the Packers and Stockyards Act, 1921 (7 U. S. C. 202), that the stockyards known as the Producers Livestock Commission Company, Inc., at Abilene, Texas, and the Ranchers and Farmers Livestock Sales Co., at Clovis, New Mexico, are stockyards within the definition of that term contained in section 302 of said act and are, therefore, subject to the provisions of said act.

The attention of the stockyard owners, market agencies, dealers, and other persons concerned is directed to sections 303 and 306 (7 U. S. C. 203 and 207) and other pertinent provisions of said act, and the rules and regulations issued thereunder by the Secretary of Agriculture.

The Packers and Stockyards Act provides for a specified time after the posting of notice at the stockyards, for market agencies, dealers, and stockyard owners to register and qualify for the operation of their businesses under that act. There appears to be no good reason to defer the effective date of the foregoing notice in view of that fact. Therefore, it is determined that good cause exists to make this notice, and it shall be, effective immediately, subject to the provisions of the Packers and Stockyards Act.

Done at Washington, D. C., this 28th day of September 1948.

[SEAL] H. E. REED,
Director, Livestock Branch, Production and Marketing Administration.

[F. R. Doc. 48-8766; Filed, Sept. 30, 1948; 8:51 a. m.]

FEDERAL POWER COMMISSION

TEXAS GAS TRANSMISSION CORP. ET AL.

ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

SEPTEMBER 24, 1948.

In the matters of Texas Gas Transmission Corporation, Docket No. G-859;

Texas Eastern Transmission Corporation, Docket No. G–1089; The Philadelphia Gas Works Company, Docket No. G–1120.

Upon consideration of the application filed September 7, 1948, by The Philadelphia Gas Works Company, a Pennsylvania corporation with its principal office at Philadelphia, Pennsylvania, for an order pursuant to section 7 (a) of the Natural Gas Act, directing Texas Eastern Transmission Corporation to establish physical connection of its natural gas transportation facilities with the distribution mains of Applicant for the purpose of supplying, transmitting and delivering natural gas to Applicant, and for an order directing Texas Gas Transmission Corporation to so modify its arrangements with Texas Eastern and others as to facilitate such sale and delivery of natural gas to the Applicant by Texas Eastern, as described in such application on file with the Commission and open to public inspection;

It appears to the Commission that:

(a) It is necessary and desirable in the public interest that a hearing be held respecting the matters involved and the issues raised by such application;

(b) Good cause exists for consolidating the proceedings to be had in Docket No. G–1120 with consolidated proceedings in Docket Nos. G–859 and G–1089 for the purpose of hearing; and

The Commission orders that:

(A) A public hearing be held, commencing at 10:00 a. m. e. s. t. on September 27, 1948, in the Main Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., respecting the matters involved and the issues presented by the application of The Philadelphia Gas Works Company;

(B) The public hearing provided for in paragraph (A) above be and the same is hereby consolidated for hearing with the matters involved in Docket Nos. G–859 and G–1089;

(C) Interested State commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: September 24, 1948.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 48–8745; Filed, Sept. 30, 1948; 8:46 a. m.]

TEXAS GAS TRANSMISSION CORP. ET AL.

ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

SEPTEMBER 24, 1948.

In the matters of Texas Gas Transmission Corporation, Docket No. G–859; Texas Eastern Transmission Corporation, Docket No. G–1089; Consumers Gas Company, Docket No. G–1124.

Upon consideration of the application filed September 13, 1948, by Consumers Gas Company, a Pennsylvania corporation with its principal office at Reading, Pennsylvania, for an order pursuant to section 7 (a) of the Natural Gas Act, directing Texas Eastern Transmission Corporation to establish physical connection of its natural gas transportation facilities with the distribution mains of Applicant for the purpose of supplying, transmitting and delivering natural gas to Applicant, and for an order directing Texas Gas Transmission Corporation to so modify its arrangements with Texas Eastern and others as to facilitate such sale and delivery of natural gas to the Applicant by Texas Eastern, as described in such application on file with the Commission and open to public inspection;

It appeals to the Commission that:

(a) It is necessary and desirable in the public interest that a hearing be held respecting the matters involved and the issues raised by such application;

(b) Good cause exists for consolidating the proceedings to be had in Docket No. G–1124 with consolidated proceedings in Docket Nos. G–859 and G–1089 for the purpose of hearing; and

The Commission orders that:

(A) A public hearing be held, commencing at 10:00 a. m. (e. s. t.) on September 27, 1948, in the Main Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., respecting the matters involved and the issues presented by the application of Consumers Gas Company;

(B) The public hearing provided for in paragraph (A) above be and the same is hereby consolidated for hearing with the matters involved in Docket Nos. G–859 and G–1089;

(C) Interested State commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: September 24, 1948.

By the Commission. Commissioner Buchanan dissenting.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 48–8746; Filed, Sept. 30, 1948; 8:46 a. m.]

TEXAS GAS TRANSMISSION CORP. ET AL.

ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

SEPTEMBER 24, 1948.

In the matters of Texas Gas Transmission Corporation, Docket No. G–859; Texas Eastern Transmission Corporation, Docket No. G–1089; Allentown-Bethlehem Gas Company, Docket No. G–1125.

Upon consideration of the application filed September 13, 1948, by Allentown-Bethlehem Gas Company, a Pennsylvania corporation with its principal office at Allentown, Pennsylvania, for an order pursuant to section 7 (a) of the Natural Gas Act, directing Texas Eastern Transmission Corporation to establish physical connection of its natural gas transportation facilities with the distribution mains of Applicant for the purpose of supplying, transmitting and delivering natural gas to Applicant, and for an order directing Texas Gas Transmission Corporation to so modify its arrangements with Texas Eastern and others as to facilitate such sale and delivery of natural gas to the Applicant by Texas Eastern, as described in such application on file with the Commission and open to public inspection;

It appears to the Commission that:

(a) It is necessary and desirable in the public interest that a hearing be held respecting the matters involved and the issues raised by such application;

(b) Good cause exists for consolidating the proceedings to be had in Docket No. G–1125 with consolidated proceedings in Docket Nos. G–859 and G–1089 for the purpose of hearing; and

The Commission orders that:

(A) A public hearing be held, commencing at 10:00 a. m. (e. s. t.) on September 27, 1948, in the Main Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., respecting the matters involved and the issues presented by the application of Allentown-Bethlehem Gas Company;

(B) The public hearing provided for in paragraph (A) above be and the same is hereby consolidated for hearing with the matters involved in Docket Nos. G–859 and G–1089;

(C) Interested State commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: September 24, 1948.

By the Commission. Commissioner Buchanan dissenting.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 48–8747; Filed, Sept. 30, 1948; 8:46 a. m.]

TEXAS GAS TRANSMISSION CORP. ET AL.

ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

SEPTEMBER 24, 1948.

In the matters of Texas Gas Transmission Corporation, Docket No. G–859; Texas Eastern Transmission Corporation, Docket No. G–1089; The Harrisburg Gas Company, Docket No. G–1126.

Upon consideration of the application filed September 13, 1948, by The Harrisburg Gas Company, a Pennsylvania corporation with its principal office at Harrisburg, Pennsylvania, for an order pursuant to section 7 (a) of the Natural Gas Act, directing Texas Eastern Transmission Corporation to establish physical connection of its natural gas transportation facilities with the distribution mains of Applicant for the purpose of supplying, transmitting and delivering natural gas to Applicant, and for an order directing Texas Gas Transmission Corporation to so modify its arrangements with Texas Eastern and others as to facilitate such sale and delivery of natural gas to the Applicant by Texas Eastern, as described in such application on file with the Commission and open to public inspection;

It appears to the Commission that:

(a) It is necessary and desirable in the public interest that a hearing be held respecting the matters involved and the issues raised by such application;

(b) Good cause exists for consolidating the proceedings to be had in Docket No. G–1126 with consolidated proceedings in Docket Nos. G–859 and G–1089 for the purpose of hearing; and

The Commission orders that:

(A) A public hearing be held, commencing at 10:00 a. m. (e. s. t.) on September 27, 1948, in the Main Hearing Room of the Federal Power Commission, 1800 Pensylvania Avenue NW., Washington, D. C., respecting the matters involved and the issues presented by the application of The Harrisburg Gas Company;

(B) The public hearing provided for in paragraph (A) above be and the same is hereby consolidated for hearing with the matters involved in Docket Nos. G–859 and G–1089;

(C) Interested State commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: September 24, 1948.

By the Commission. Commissioner Buchanan dissenting.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48–8748; Filed, Sept. 30, 1948; 8:46 a. m.]

MANUFACTURERS LIGHT AND HEAT CO. ET AL.

NOTICE OF APPLICATION

SEPTEMBER 27, 1948.

In the matter of The Manufacturers Light and Heat Company, Home Gas Company, and Natural Gas Company of West Virginia, Docket No. G–1117.

Notice is hereby given that on September 3, 1948, The Manufacturers Light and Heat Company (Manufacturers), a Pennsylvania corporation, Home Gas Company (Home), a New York corporation, and Natural Gas Company of West Virginia (Natural Gas Company), a West Virginia corporation, all of which companies are subsidiaries of The Columbia Gas System, Inc., and have their principal place of business at Pittsburgh, Pennsylvania, filed an application (a) for a certificate of public convenience and necessity authorizing the construction, acquisition and operation of certain natural-gas facilities hereinafter described, and (b) for approval of abandonment, removal and sale of a certain portion of said applicant companies' facilities, also hereinafter described, both pursuant to section 7 of the Natural Gas Act, as amended.

Manufacturers seeks authorization:

(1) To construct and operate 10.5 miles of 12-inch natural-gas transmission pipe line extending from a point on an existing 20-inch line of Manufacturers near Canonsburg, Washington County, Pennsylvania, to a point south of Pittsburgh, Pennsylvania.

(2) To construct and operate 5 miles of 6-inch natural-gas transmission pipe line extending from a point on an existing 10-inch line of Manufacturers near Steubenville, Ohio, to Wintersville, Ohio.

(3) To install and operate two (2) 500 pound (psig) compressor cylinders in place of existing 100 pound (psig) cylinders at the Waynesburg Compressor Station, Franklin Township, Greene County, Pennsylvania.

(4) To construct and operate a 334 horsepower compressor station near Cameron, Marshall County, West Virginia.

(5) To abandon and remove three (3) 125 horsepower rotary type compressors at Waynesburg Compressor Station, Franklin Township, Greene County, Pennsylvania.

(6) To abandon and remove the Turkey Hollow Compressor Station, located in Rostraver Township, Westmoreland County, Pennsylvania.

(7) To abandon and remove the Monessen Compressor Station, located in Rostraver Township, Westmoreland County, Pennsylvania.

(8) To abandon and remove 17 miles of 8-inch natural-gas transmission line between Hundred Compressor Station, Church District, Wetzel County, West Virginia, and a point known as the Wiley Farm, Richhill Township, Greene County, Pennsylvania.

(9) To abandon, remove and sell to Peoples Natural Gas Company 5,339 feet of 8-inch natural-gas transmission line known as No. 7004, located in Rostraver Township, Westmoreland County, Pennsylvania.

Home seeks authorization:

(10) To purchase, acquire and operate the existing Dundee Compressor Station and Storage Field, located in Yates and Schuyler Counties, New York, from The Keystone Gas Company, Inc.

(11) To construct and operate a 300 horsepower compressor station in Greenwood Township, Steuben County, New York.

Natural Gas Company seeks authorization:

(12) To construct and operate 4.83 miles of 8-inch natural-gas loop pipe line from the Brinker Compressor Station to a point southeast of Salem, Ohio.

The application recites that with respect to the proposed new construction the applicant companies propose to improve and increase the deliverability of their transmission systems in the interest of flexibility of operations, continuity of delivery, and adequacy of facilities in order to provide as nearly as possible, and in the most feasible and economical manner, continuous service to existing customers and, for a reasonable period in the future, to provide for the normal growth of the companies and their associated companies within the Pittsburgh Group of companies owned by The Columbia Gas System, Inc., only within the territory presently served by such companies.

The application further recites that with respect to the proposed abandonment and removal of facilities by Manufacturers, said facilities are no longer used or useful in the public service and Manufacturers proposes to eliminate maintenance expense in connection therewith. It is proposed to sell for salvage the equipment from the compressor stations. The pipe proposed to be removed will be salvaged and will be used for maintenance and replacement of existing pipe lines.

The application further recites that purchase of the Dundee Compressor Station and Storage Field by Home Gas Company from the Keystone Gas Company, Inc., an affiliate, will facilitate the enlargement and development of those properties by Home and will eliminate bookkeeping in view of the fact that all of the gas stored in said storage field and passing through said compressor station is owned by Home.

The estimated total over-all capital cost of construction, acquisition and removal after abandonment of the proposed facilities is approximately $888,924, derived as follows:

	Construction and acquisition	Salvage	Cost of removal	Net cost
The Manufacturers Light & Heat Co.	$553,466	($125,983)	$51,044	$478,527
Home Gas Co.	333,103	----------	-------	333,103
Natural Gas Co.	77,294	----------	-------	77,294
Total	963,863	(125,983)	51,044	888,924

Manufacturers will finance its construction and removal costs out of funds on hand. Home and Natural Gas Company contemplate borrowing their construction and acquisition costs from their parent corporation, The Columbia Gas System, Inc.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of § 1.37 of the Commission's rules of practice and procedure and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with reasons for such request.

The application of The Manufacturers Light and Heat Company, Home Gas Company, and Natural Gas Company of West Virginia is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of §§ 1.8 and 1.10, whichever is applicable, of the rules of practice and procedure.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48–8749; Filed, Sept. 30, 1948; 8:46 a. m.]

[Docket No. G-1088]

UNITED GAS PIPE LINE CO.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

SEPTEMBER 24, 1948.

Notice is hereby given that, on September 22, 1948, the Federal Power Commission issued its findings and order entered September 21, 1948, issuing a certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-8710; Filed, Sept. 29, 1948; 8:45 a. m.]

[Project No. 1964]

EMERSON M. GROVE AND EVA LEE CALHOUN

NOTICE OF ORDER AUTHORIZING ISSUANCE OF LICENSE (MINOR)

SEPTEMBER 24, 1948.

In the matter of Emerson M. Grove and Eva Lee Calhoun, Administratrix of the Estate of Emerson M. Grove, Project No. 1964.

Notice is hereby given that, on September 23, 1948, the Federal Power Commission issued its order entered September 21, 1948, authorizing issuance of license (minor) in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-8711; Filed, Sept. 29, 1948; 8:46 a. m.]

FEDERAL TRADE COMMISSION

[Docket No. 5523]

MORRIS PAINT & VARNISH CO.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the city of Washington, D. C., on the 22d day of September A. D. 1948.

In the matter of Morris Paint & Varnish Company, a Nebraska corporation, and Alfred Sophir, Audrey Sophir, and Leo Sophir, individually, and as officers of the above-named corporation.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That Randolph Preston, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony and the receipt of evidence begin on Wednesday, October 20, 1948, at ten o'clock in the forenoon of that day (central standard time), in Court Room Number One, Douglas County Court House, Omaha, Nebraska.

Upon completion of the taking of testimony and receipt of evidence in support of the allegations of the complaint, the Trial Examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondents. The Trial Examiner will then close the taking of testimony and evidence and, after all intervening procedure as required by law, will close the case and make and serve on the parties at issue a recommended decision which shall include recommended findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and an appropriate recommended order; all of which shall become a part of the record in said proceeding.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 48-8756; Filed, Sept. 30, 1948; 8:49 a. m.]

NATIONAL HOUSING AGENCY

Federal Housing Administration

2½ PERCENT WAR HOUSING INSURANCE FUND DEBENTURES, SERIES H

NOTICE OF FOURTH CALL FOR PARTIAL REDEMPTION, BEFORE MATURITY

SEPTEMBER 22, 1948.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U. S. C., Title 12, sec. 1701 et seq.) as amended, public notice is hereby given that 2½ percent War Housing Insurance Fund Debentures, Series H, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on January 1, 1949, on which date interest on such debentures shall cease:

2½ PERCENT WAR HOUSING INSURANCE FUND DEBENTURES, SERIES H

Denomination	*Serial number (all numbers inclusive)*
$50	689 to 3018
$100	2713 to 8049
$500	782 to 4015
$1,000	3662 to 9073
$5,000	179 to 1006
$10,000	2930 to 5060

The debentures first issued as determined by the serial numbers were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on and after October 1, 1948. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after October 1, 1948, and provision will be made for the payment of final interest due on January 1, 1949, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from October 1, 1948 to December 31, 1948, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after January 1, 1949, or for purchase prior to that date will be given by the Secretary of the Treasury.

FRANKLIN D. RICHARDS,
Commissioner.

Approved: September 29, 1948.

E. H. FOLEY,
Acting Secretary of the Treasury.

[F. R. Doc. 48-8785; Filed, Sept. 30, 1948; 9:00 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-1952]

PUBLIC SERVICE CO. OF INDIANA, INC.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 24th day of September A. D. 1948.

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act") by Public Service Company of Indiana, Inc., ("Public Service"), a public utility subsidiary of The Middle West Corporation, a registered holding company. Declarant designates section 12 (c) of the act and Rule U-42 promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than October 4, 1948, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter stating the reasons for such request, the nature of his interest, and the issues of fact and law raised by said declaration which he desires to controvert; or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after October 4, 1948, said declaration as filed, or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said declaration which is on file in the office of this Commission for a statement of the transactions therein proposed which may be summarized as follows:

Public Service proposes to call for redemption $2,000,000 principal amount of its Convertible Debentures of which $8,991,400 principal amount was outstanding as at September 1, 1948. The company expects to publish the initial notice of said call on October 5, 1948, provided market conditions are considered by the company to be satisfactory. The call will be made by lot pursuant to the terms of the Indenture which provides for the redemption thirty days after the initial notice at a price of 103% of principal amount.

Pursuant to the Indenture, Convertible Debentures which have been called may be converted into five shares of

common stock for each $200 principal amount of Debentures at any time up to thirty days after the initial notice.

Public Service further proposes to pay to each holder of its Convertible Debentures (both those included in the call and those not so included) who surrender their certificates for conversion into Common Stock of the company during the portion of the call period expiring prior to the close of business on October 31, 1948, an amount equal to the full amount of interest that would be payable for the six month period ending October 31, 1948.

The declarant requests that the Commission's order be issued not later than October 5, 1948, and that such order be effective upon issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-8753; Filed, Sept. 30, 1948; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 11903]

WILLIAM ALBRECHT

In re: Trust under the will of William Albrecht, deceased. File No. D-28-4304, D-28-4304-G-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9783, and pursuant to law, after investigation, it is hereby found:

1. That Paul Albrecht and Mrs. Anna Remer, nee Kubbernuss, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the children and descendants, names unknown, of Paul Albrecht, and of Anna Remer, nee Kubbernuss, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the trust created under the will of William Albrecht, deceased, presently being administered by Harry C. Beneke, Trustee, 2025 West Roosevelt Road, Chicago, Illinois,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and the children and descendants, names unknown, of Paul Albrecht and of Anna Remer, nee Kubbernuss, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 30, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON, *Acting Deputy Director, Office of Alien Property.*

[F. R. Doc. 48-8770; Filed, Sept. 30, 1948; 8:53 a. m.]

[Vesting Order 11910]

HENRY F. GOLDMAN

In re: Estate of Henry F. Goldman, deceased. File D-66-1038; E. T. sec. 6876.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Franz Andreas Burchard, Herman Johannes Franz Burchard, Karl Johannes Kopp, Franz Edward Kopp, Juliane Minnia Kopp Wucherpfenning, Andreas Hagemann, Emma Regina Hagemann Busch, Anna Regina Hagemann Friederich, Franz Wilhelm Ferdinand Hagemann, Alwine Elizabeth Trümper, Johannes Heinrich Trümper, Johannes Franz Trümper, Helene Elizabeth Kopp Wucherpfenning, Wilhelm Ferdinand Kopp, Emma Christine Kopp Stollberg, Ferdinand Andreas Goldmann, Friedrich Goldmann, Katherine Cacilia Goldmann Ludolph, Magdalena Agnes Goldmann Weskamp, Ferdinand Andreas Kracht, Veronika Luise Kracht Windel, Maria Anna Kracht Kellner, Karl Johannes Kracht, Maria Anna Regina Goldmann Boettcher, Johann Franz Joseph Goldmann, Johannes Franz Goldmann, Adolf Goldmann, Anna Maria Goldmann Nachtwey, Johann Georg Friedrich Goldmann, Anna Maria Regina Goldmann, Anna Christina Goldmann Schmalsteig, Susanne Plathe, Fritz Plathe, Julia Marie Dorothea Heyer Laushka, Caroline Friederika Heyer Eggelmann, Karl Heinrich Wilhelm Heyer, August Georg Heinrich Heyer, Sofia Ida Wilhelmina Heyer Klinze, Heinrich Wilhelm Friedrich Heyer, Heinrich Friedrich Karl Heyer, August Georg Heyer, Karl Wilhelm Friedrich Adolph Wolter, Karl Friedrich Otto Theodor Wolter, Maria Luise Uetzmann Nuckel, Gottfried Wilhelm Karl Uetzmann, Robert Julius Karl Uetzmann, Emma Maria Elisabeth Uetzmann Heyer, Luise Emma Auguste Uetzmann Luessmann, Adolf Heinrich Friedrich Uetzmann, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the estate of Henry F. Goldman, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by L. Earl Bach, Administrator, acting under the judicial supervision of the Probate Court, County of McLean, Illinois,

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 30, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON, *Acting Deputy Director, Office of Alien Property.*

[F. R. Doc. 48-8771; Filed, Sept. 30, 1948; 8:53 a. m.]

[Vesting Order 12036]

KNOLL A. G., CHEMISCHE FABRIKEN AND KNOLL & CO. A. G., CHEMISCHE FABRIK

In re: Certain contract interests of and debts owing to Knoll A. G., Chemische Fabriken and Knoll & Co. A. G., Chemische Fabrik.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Knoll A. G., Chemische Fabriken is a corporation organized under the laws of Germany, whose principal place of business is located at Ludwigshafen am Rhine, Germany, and is a national of a designated enemy country (Germany);

2. That Knoll & Co. A. G., Chemische Fabrik (Knoll & Cie., Ltd.) is a corporation organized under the laws of Switzer-

land, whose principal place of business is located at Liestal, Switzerland, and is or since the effective date of Executive Order 8389, as amended, has been owned or controlled by or acting directly or indirectly for the benefit or on behalf of a national or nationals of Germany and is a national of a designated enemy country (Germany);

3. That the property described as follows:

a. All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights, and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Knoll A. G., Chemische Fabriken, Ludwigshafen, Germany, by virtue of an agreement by and between Merck & Co., Inc., Rahway, New Jersey, and E. Bilhuber, Inc., Orange, New Jersey, for the benefit of said Knoll A. G., Chemische Fabriken, evidenced by an exchange of letters dated on or about July 25, 1924 by and between Merck & Co., Inc., and E. Bilhuber, Inc., and a letter dated July 25, 1924 from E. Bilhuber, Inc. to said Knoll A. G., Chemische Fabriken (including all modifications thereof and supplements thereto, if any) which agreement relates to the product sold by Merck & Co., Inc. under the trademark "Digitan", and

b. All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Knoll A. G., Chemische Fabriken, Ludwigshafen, Germany, and Knoll & Co., A. G. Chemische Fabrik, Switzerland, or either of them by virtue of any and all agreements, written or oral, or commercial practices with respect to a product sold under the trademark "Digitan" (including all modifications thereof and supplements thereto, if any) by and between E. Bilhuber, Inc., Merck & Co., Inc., Knoll A. G. Chemische Fabriken, Ludwigshafen, Germany, and Knoll & Co. A. G., Chemische Fabrik, Liestal, Switzerland,

c. That certain debt or other obligation of Merck & Co., Inc. arising out of a "Digitan" royalty account, maintained in the books and records of Merck & Co., Inc. as an account payable to E. Bilhuber, Inc. for Knoll A. G., Chemische Fabriken, Ludwigshafen, Germany, in the amount of $1,564.01 as of December 31, 1947, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same

d. That certain debt or other obligation of E. Bilhuber, Inc., arising out of a "Digitan" royalty account maintained by E. Bilhuber, Inc., for the account of Knoll & Co. A. G., Chemische Fabrik, Liestal, Switzerland, sometimes referred to as Knoll & Cie, Ltd., in the amount of $432.50, as of December 31, 1946, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of or owing to, or which is evidence of ownership or control, by, the persons named in subparagraphs 1 and 2 hereof, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That the person named in subparagraph 2 hereof is controlled by or acting for or on behalf of a designated enemy country (Germany) or a person or persons within such country and is a national of a designated enemy country (Germany); and

5. That to the extent that the persons named in subparagraphs 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such person be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 14, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8772; Filed, Sept. 30, 1948; 8:53 a. m.]

[Vesting Order 12051]

WILLIAM JACOB

In re: Estate of William Jacob, deceased. File No. D-28-9383; E. T. sec. 12459.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Elsie Hartwig, whose last known address was, on September 2, 1948, Germany, was on such date a resident of Germany and a national of a designated enemy country (Germany);

2. That the sum of $512.59 was paid to the Attorney General of the United States by Marie Leibfried, Executrix of the Estate of William Jacob, deceased;

3. That the said sum of $512.59 was accepted by the Attorney General of the United States on September 2, 1948, pursuant to the Trading With the Enemy Act, as amended;

4. That the said sum of $512.59 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

5. That to the extent that the person named in subparagraph 1 hereof was not within a designated enemy country on September 2, 1948, the national interest of the United States required that such person be treated as a national of a designated enemy country (Germany) on such date.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property by acceptance as aforesaid.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 16, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8773; Filed, Sept. 30, 1948; 8:53 a. m.]

[Vesting Order 12059]

ELISE SCHMITTMANN

In re: Estate of Elise Schmittmann, deceased. File D-28-8164; E. T. sec. 9133.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hans Orthmann, Ernst Orthmann, Eduard Orthmann, Emmy Benn and Mrs. Julie Schindler, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof and each of them, in and to the estate of Elise Schmittman, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in process of administration by Charles Litow, Administrator de Bonis non with the will Annexed, acting under the judicial supervision of the County Court of Milwaukee County, Wisconsin,

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 22, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8742; Filed, Sept. 29, 1948; 8:54 a. m.]

[Vesting Order 12062]

ROSANNA HAHN

In re: Debt owing to Rosanna Hahn. F-28-9986-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Rosanna Hahn, whose last known address is Mudan Ant-Buchen, Baden, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: All those debts or other obligations owing to Rosanna Hahn by City Bank Farmers Trust Company, 22 William Street, New York 15, New York, including particularly but not limited to the sum of money on deposit with City Bank Farmers Trust Company, 22 William Street, New York 15, New York, in a Secretary's Checks account, evidenced by outstanding Secretary's Checks, drawn to the order of Rosanna Hahn, numbered dated and in the amounts as set forth below:

No. T-253389; Dec. 13, 1939	$45.00
No. T-253142; Jan. 13, 1940	45.00
No. T-259568; Feb. 13, 1940	45.00
No. T-262683; Mar. 13, 1940	45.00
No. T-266685; Apr. 13, 1940	45.00
No. T-281530; Sept. 15, 1940	45.00
No. T-283493; Oct. 14, 1940	45.00
No. T-6121; Nov. 13, 1940	45.00
No. T-7662; Dec. 13, 1940	45.00
No. T-12108; Jan. 13, 1941	45.00
No. T-15769; Feb. 13, 1941	45.00
No. T-19764; Mar. 13, 1941	45.00
No. T-23766; Apr. 14, 1941	45.00
Total	585.00

and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, and any and all rights to, in and under the said checks,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 22, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8739; Filed, Sept. 29, 1948; 8:53 a. m.]

[Vesting Order 12063]

OTOSHIRO HAMADA

In re: Cash owned by Otoshiro Hamada. F-39-6268.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Otoshiro Hamada, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: Cash in the sum of $537.55, presently in the possession of the Treasury Department of the United States in Trust Fund Account, Symbol 158915, "Deposits, Funds of Civilian Internees and Prisoners of War," and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Otoshiro Hamada, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 22, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8740; Filed, Sept. 29, 1948; 8:53 a. m.]

[Vesting Order 12068]

JOSEPH SCHARRER

In re: Bank account and Bond owned by Joseph Scharrer. F-28-28490-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Joseph Scharrer, whose last known address is 12 Linden St., Straubing, Niebayern, Bavaria, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation of the Montana Bank and Trust Company, Great Falls, Montana, arising out of an account entitled Louis Scharrer, "Special Account A", maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same, and

b. One United States War Savings Bond of $1,000.00 maturity value, bearing the number 3849425E, and presently in the custody of Louis Scharrer, 523 Sixth Street North, Great Falls, Montana, and any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Joseph Scharrer, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 22, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8774; Filed, Sept. 30, 1948; 8:53 a. m.]

[Vesting Order 12070]

EUGENE H. SCHREIBER

In re: Stock owned by Eugene H. Schreiber, also known as Eugene H. Schrieber. F-28-26840-D-1; D-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Eugene H. Schreiber, also known as Eugene H. Schrieber, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Six (6) shares of no par value common capital stock of General Foods Corporation, 230 Park Avenue, New York, New York, a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered 0108654, registered in the name of Eugene H. Schreiber, together with all declared and unpaid dividends thereon, and all rights in, to and under any dividend checks, and

b. Two (2) shares of no par value common capital stock of General Electric Company, 1 River Road, Schenectady 5, New York, a corporation organized under the laws of the State of New York, evidenced by a certificate numbered NYD-402128, registered in the name of Eugene H. Schrieber, together with all declared and unpaid dividends thereon, and all rights in, to and under any dividend checks.

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 22, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8741; Filed, Sept. 29, 1948; 8:53 a. m.]

[Vesting Order 12073]

MRS. MADELEINE RUOFF

In re: Property of Mrs. Madeleine Ruoff, also known as Mrs. Madeleine duPont Ruoff.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Madeleine Ruoff, also known as Mrs. Madeleine duPont Ruoff, is a citizen of Germany, who, on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941, was domiciled and resident in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: All property in the United States of Mrs. Madeleine Ruoff, also known as Mrs. Madeleine duPont Ruoff, of any nature whatsoever, including all interests in trusts, estates, realty, tangible and intangible personalty and, particularly, the property described in Exhibit A, attached hereto and by reference made a part hereof,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the said Mrs. Madeleine Ruoff, also known as Mrs. Madeleine duPont Ruoff, be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 23, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

1. All right, title and interest in, to and under those certain shares of preferred and common stock of domestic corporations, bonds of domestic corporations, and State, Municipal, and other local obligations, held by Security Trust Company, 6th and Market Streets, Wilmington, Delaware, for Mrs. Madeleine Ruoff, also known as Mrs. Madeleine duPont Ruoff.

2. All right, title and interest in and to all those certain debts or other obligations owing by Security Trust Company, 6th and Market Streets, Wilmington, Delaware, to Mrs. Madeleine Ruoff, also known as Mrs. Madeleine duPont Ruoff.

3. All right, title, interest and estate, both legal and equitable, of Mrs. Madeleine Ruoff, also known as Mrs. Madeleine duPont Ruoff, in and to that certain tract or parcel of land situated in Montgomery County, Pennsylvania, more particularly described as follows:

All that certain lot or piece of ground with the messuage or tenement thereon erected, situate in Penn Wynne, Lower Merion Township, Montgomery County, Pennsylvania, on the northeast side of Harrogate Road at the distance of one hundred twenty-eight feet southeastward from a point or corner formed by the northeast side of Harrogate Road (if extended) with the southeast side of Hampstead Road (if extended) containing in front or breadth on the said Harrogate Road twenty-eight feet and extending of that width in length or depth northeastward between parallel lines at right angles to the said Harrogate Road one hundred feet, including on the rear twelve feet of a certain nineteen feet wide driveway which extends southeastward from Hampstead Road and communicates at its southeasternmost end with a certain other driveway fifteen feet wide which extends northeastward from Harrogate Road and southwestward from Henley Road. Being the same premises which Martin McWilliams, widower, by Indenture bearing date the twenty-ninth day of January A. D. 1929 and recorded at Norristown, in the office for the recording of Deeds in and for the County of Montgomery in deed book No. 1070 page 554 &c., granted and conveyed unto Effie C. Wilson, in fee.

4. All right, title, interest and claim of any kind or character whatsoever of Mrs. Madeleine Ruoff, also known as Mrs. Madeleine duPont Ruoff, in and to and arising out of or under that certain trust agreement dated April 16, 1937, by and between Security Trust Company; Madeleine duPont Ruoff, Bessie duPont Huidekoper, Victorine duPont Dent and Alfred V. duPont; Jessie Ball duPont, Reginald S. Huidekoper and Edward Ball, as executors under the Last Will and Testament and Codicils of Alfred I. duPont, deceased; and Jessie Ball duPont, Reginald S. Huidekoper, Edward Ball and the Florida National Bank of Jacksonville, trustees under the Last Will and Testament and Codicils of Alfred I. duPont, deceased, presently being administered by Security Trust Company, trustee, Wilmington, Delaware.

5. All right, title, interest and claim of any kind or character whatsoever of Mrs. Madeleine Ruoff, also known as Mrs. Madeleine duPont Ruoff, in and to and arising out of or under that certain trust agreement dated January 18, 1927, between Madeleine duPont Hiebler, grantor, and Security Trust and Safe Deposit Company, trustees, presently being administered by the Security Trust Company, successor trustee, Wilmington, Delaware.

6. All right, title, interest and claim of any kind or character whatsoever of Mrs. Madeleine Ruoff, also known as Mrs. Madeleine duPont Ruoff, in and to and arising out of or under that certain trust agreement dated September 26, 1905, by and between Alfred I. duPont, grantor; Bessie G. duPont; and Pierre S. duPont and George Quintard Horwitz, co-trustees, presently being administered by Security Trust Company, successor trustee, Wilmington, Delaware.

[F. R. Doc. 48-8792; Filed, Sept. 29, 1948; 3:45 p. m.]